

THE
ORDER, PURITY AND STABILITY
OF THE CONSTITUTION OF
WESLEYAN METHODISM,
VINDICATED, BY THE
JUDGMENT

OF THE
VICE-CHANCELLOR, SIR LANCELOT SHADWELL.

A Report of the Cases of

WARREN *versus* BURTON,
AND
TAYLOR *versus* FILDES,

HEARD IN THE VICE-CHANCELLOR'S COURT,

On Saturday, 28th February, and Monday and Tuesday, 2nd and 3rd March, 1835,

EXTRACTED FROM THE "WATCHMAN" NEWSPAPER.

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"We congratulate our Wesleyan readers on the happy termination of the proceedings for an Injunction, instituted by Dr. WARREN, in the Vice-Chancellor's Court, against the REV. ROBERT NEWTON, and certain Trustees of two Chapels in Manchester. The decision has fully established the authority of the Conference, as constituted by Mr. WESLEY'S Deed-Poll of 1784; and the subordinate jurisdiction of its District Committee, in the enforcement of an efficient discipline upon all the Preachers and Societies, during the intervals of the Annual Meetings of the Conference. We consider that this decision will greatly promote the purity, order, and stability of Wesleyan Methodism, according to its present Constitution; and that it completely recognizes all those great principles of its executive administration, for which its best friends, supported by the almost unanimous approbation of the Conference, have ever contended, and which they have faithfully maintained against the efforts of factious and revolutionary hostility. A day more interesting in its results to the Wesleyan Connexion has not often occurred, than that on which this elaborate and able JUDGMENT of the Vice-Chancellor was pronounced. We regret that the short time allowed us for the examination of our notes, has prevented us from preparing so full and perfect a Report of the Proceedings as we wished. We hope to be able to supply such a Report, in a correct and authentic form, on a future occasion; and especially to present to our friends the complete JUDGMENT of his Honour, as a document of the greatest possible value and importance. In the mean time, we have reason to know that the defendants and their friends feel themselves under the highest obligations to SIR WILLIAM HORNE, Mr. ROLFE, and Mr. PIGGOTT, their Counsel, for the extraordinary diligence and ability with which they conducted and advocated their cause, during every stage of these proceedings. They evinced, in the discharge of their professional duties, talents, learning, and zeal, seldom equalled, never, we understand, surpassed, on a similar occasion. We cannot omit to remind the Wesleyan Community that while they rejoice, as they may properly do, in their success, their devout acknowledgments are supremely due, and should be most gratefully offered, to that DIVINE PROVIDENCE, which has once more so graciously protected the interests of their Connexion. Nor can we refrain from the expression of our most sincere and anxious hope, that, after such a decision, from a quarter entitled to the utmost respect,—a decision not grounded on any mere technicalities or niceties of law, but fully and explicitly embracing the PRINCIPLES of the case, and pronouncing UPON THE MERITS,—the agitations of certain circuits will speedily cease, and that many, who have unwittingly, and in error, lent themselves for a time to those agitations, will now feel it their duty to desist from future aggression, and to resume their former peaceable position and habits, as Christians and as Methodists. We are sure that such a result will be hailed most joyfully and cordially, not only by the Preachers of the Connexion, but by all those friends in Manchester and elsewhere, who have so nobly supported the cause of truth and good order in this eventful struggle, and to whose disinterested and faithful exertions THE METHODISM OF JOHN WESLEY is placed under obligations never to be forgotten."

EDITORS OF "THE WATCHMAN."

Wes. 1571

VICE CHANCELLOR'S COURT.—SATURDAY, FEBRUARY 28.

WARREN *v.* BURTON AND OTHERS.

TAYLOR AND OTHERS *v.* FILDES AND OTHERS.

Sir CHARLES WETHERELL—(after stating that these two cases were almost identical, proceeded.)—In the first suit, that of *Warren and Burton*, the bill is filed by the Rev. Samuel Warren, preacher of a Wesleyan Chapel, in Oldham Street, Manchester, against John Burton and many other gentlemen who are the defendants. The bill is filed by that gentleman for the purpose of procuring a declaration from your Honour that he ought to be restored to his situation of preacher or minister of that chapel, from which he has been, as I think, in a most extraordinary—I need not add, in my opinion, in a most rash and hasty, and most illegal manner,—unwarrantably removed. The proceeding is adopted to procure his replacement and restoration to the exercise of those rights and the performance of those duties, from which he has been thus illegally and unwarrantably expelled. The prayer is, therefore,

“ That it may be declared by the decree of this Court, that the plaintiff has been suspended from officiating as minister or preacher of the said Chapel improperly, and without any authority ; and that it may be declared that the plaintiff is entitled to be reinstated in his said office of minister or preacher of the said Chapel ; and that the said defendants, the trustees of said Chapel, may be directed to permit and suffer the plaintiff to use, occupy, and enjoy said Chapel, and to resume and continue his official and ministerial duties therein, pursuant to the trusts declared by said indenture of the first day of October, 1781, and according to the rules and regulations of said society ; and that said Robert Newton may be restrained, by the order or injunction of this Court, from preaching in the said Chapel, or in any manner exercising the office of minister thereof, or intermeddling with the performance of divine worship therein ; and that the said defendants, John Burton, John Marsden, James Wood, John Lomas, Joshua Rea, Robert Henson, William Finney Johnson, George Burton, Charles Rider, George Heald, Daniel Speakman, and Francis Marris, may be restrained by the like injunction from doing any act, or authorising any act to be done to prevent the plaintiff duly and regularly performing the duties of preacher or minister of said Chapel, or interfering with the plaintiff in the performance of such duties, or in the celebration of divine worship in the said Chapel, during the remainder of the time of the plaintiff's appointment to be the minister of the said circuit ; and that all proper directions may be given for quieting the plaintiff in the possession and occupation of said Chapel and premises.”

Dr. Warren, the plaintiff in this suit, who asks of your Honour a decree to the effect of what I have just read, is a most respectable minister in the Wesleyan persuasion ; I believe he has been a minister upwards of thirty years ; and, from the circumstances which have occurred, he has felt himself obliged to file this bill, and, in consequence of it, to make a motion the terms of which I will also read,—the motion being, as your Honour will anticipate from the general prayer of the bill,

“ That the said Robert Newton may be restrained, by the order or injunction of this Court from preaching in the said Chapel, or in any manner exercising the office of minister thereof, or intermeddling with the performance of divine worship therein ;

and that the said defendants may be restrained from doing any act, or authorising any act to be done, to prevent the plaintiff duly and regularly performing the duties of preacher or minister during the remainder of the term of his appointment."

In support of this motion, I have now to trouble your Honour with a statement of the case upon which this bill is founded, and out of which bill the present motion has emanated. Sir, the persuasion,—the very respectable persuasion, commonly called the Wesleyan Methodists, certainly has had the good fortune of escaping the Court of Chancery, and the Court of Chancery partaking of the same happiness, has also had the good fortune to escape them. (Laughter.) There has been an escape on both sides. That has originated from this body of non-conformists with the church,—but though most truly non-conformists in discipline, yet identically, to all intents and purposes, believers in every branch of the doctrine of the Church of England;—their absence from the Court of Chancery has arisen from their having, most properly and harmoniously, to their mutual and general satisfaction, governed themselves by regular rules of their own; and as long as these regular rules have been adhered to,—their rules of animadverting upon each other in case of animadversion, and dealing with a stricter discipline when necessary,—they have produced that double and mutual good result which I have before alluded to, namely, they have respectfully administered their own laws, and, correctly administering them, they have not been under the necessity of requiring Chancery lawyers to come among them to administer those laws. And if, upon this occasion, they had only pursued the rules which have hitherto preserved so completely the unanimity of this extremely respectable class, your Honour would not have been troubled with a statement, which, as far as I am concerned, will not be long; for, as I conceive, the case, so far as I am concerned, will literally not occupy five minutes, your Honour would have been saved the consumption of time which I fear the other side will think it necessary to consume, and the parties would have remained in that state of harmonious and mutual concord which has been undoubtedly, one of the characteristics of this extensive and numerous class of persons. Unfortunately, however, Dr. Warren is placed in a position in which he is driven to complain of a most unwarrantable and illegal suspension from the performance of his duties, in the two chapels which I have mentioned, the Oldham Street Chapel, and the Wesley Chapel in Oldham Road. He has been for two years the preacher in what is called the Manchester Circuit. The Manchester Circuit is a phrase certainly not adopted in compliment to the lawyers; but gentlemen, very respectable and learned persons, who are the ministers in this persuasion, have for some time past had a rule, which appears to me a very wholesome one, that persons should be appointed to preach in a district for a year, and after the expiration of that year, if the Conference thought it advisable, they might be re-appointed for a second year. This gentleman was appointed in 1833, and had been again appointed in 1834, to exercise his duties for the year 1834. In the year 1835, he performed those duties greatly to the satisfaction of the very numerous persons who constitute the persuasion within that district,—a number of between 2 and 3000 persons,—for I believe the circuit consists not only of these two

chapels, but of three others, and over these chapels he was the preacher, the spiritual pastor and minister, during the period of time to which I have alluded. Sir, such being the state of the case, having for one year performed within the district, to the satisfaction of every one, these duties, and being appointed again for 1835, the transactions took place which I am presently about to allude to, and which have occasioned an assumption on the part of persons, who, if they had looked to their own rules, read them over, and employed five minutes of calm and collected consideration, would immediately have had brought to their own minds a conviction that they had no earthly right whatever to interfere in the manner in which they have interfered, and to take the steps which they have taken. However, I must put your Honour in possession of a narrative of the circumstances which led to the very unauthorized and improper step which this usurping body, these judges, have thought fit to take. The persons whom I shall presently describe, have clothed themselves with the character of a court, or tribunal,—have convened before them Dr. Warren as a sort of culprit, and have, themselves an illegally-constituted tribunal, awarded against that gentleman a sentence of suspicion; and they have carried this sentence of suspicion into effect by preventing him from proceeding, during the residue of 1835, for the whole of which year his ministry should go on; and they have not only suspended him, but have intrusively introduced into the chapels of which he is the minister a gentleman of the name of Newton, whom they have assumed to themselves a right to appoint, giving him the same place and title, and clothing him with the same functions and duties, which they have taken away from the legitimate minister Dr. Warren.....Now, sir, I must put your Honour in possession of the circumstances which have led to this case. Your Honour will find, —and upon this part of the case there will be no dispute,—that Oldham Street Chapel was founded in 1781, during the life of Mr. Wesley, and the land upon which the chapel was built, was, in 1781, conveyed by the then trustee, a gentleman of the name of Shore, to other trustees, and from the period of that conveyance the trust has, from time to time, been regularly kept up, and the defendants in this suit are, by various assignments, the present trustees of the freehold of the chapel. I need not trouble your Honour with repeating or going at length through the contents of the deed. It recites that the chapel was erected for the purpose of having divine worship performed according to the doctrines and opinions of the Founder of this persuasion, Mr. Wesley, and proceeds to state,

“ That they, the said Trustees, or the survivors of them, and the Trustees for the time being, to be appointed as thereafter mentioned, should from time to time, and at all times for ever thereafter, permit and suffer such person or persons. as should be, from time to time appointed at and by the yearly Conference of the people called Methodists, to be held or kept at or in London, Bristol, or Leeds, and no other person or persons to have and enjoy the free use, occupation, and benefit of the said edifice.”

It then states the particular doctrines and particular modes of worship,—the ecclesiastical duties which the minister is to perform. Now, this part of the deed I have thought it necessary to call your Honour's attention to, because it is essential. In this case it will be seen, that this chapel is held upon these terms. I hold it necessary to show, that a person has been

appointed by persons having a legal right to appoint,—persons who are, if I may employ the analogy, the patrons of these rights, or the nominators. It is essential to remind your Honour of this, because, whatever be the duration of a person's title, whether for life, or one year, or two years, that right or title is the basis upon which the jurisdiction of this Court exerts itself in securing the individual, who has sometimes a freehold right, and sometimes a title lasting for a year or a shorter period, which he can only be dispossessed of by that rule of law applicable to titles of this sort. Sometimes, a man may be displaced by the rules of Common Law, and sometimes by a Court of Equity; but the first to look at is the *lex loci* of the institution under which the individual derives his title; and which title, in the first instance at least, depends upon the laws and rules of the patrons who appoint him to that trust. And I venture here to state, that a more flagrant violation of any man's right has, in no instance that I have seen, not only here but in any other place, ever come before me; and I may be allowed to refer to the compliment which, on a late occasion, your Honour paid to persons of this persuasion, that they had so administered their own laws and rules, and so fairly and efficiently applied them, that there was no occasion in which any of these institutions had ever been, by rashness or intemperance, driven into, or more properly, had driven themselves into the Court of Chancery, in order to seek interpretation of their own rules, or the application of them, which a little sober sense would have prevented.....Under this deed of 1781, and according to the language I have read, this gentleman, unless legitimately deprived by some law or rule of Conference, had just as good a title as any rector, or vicar, or ecclesiastic of the Church of England has a title to his cure of souls, unless deprived of it by some rule of our common ecclesiastical law. I venture, therefore, to state, that a more flagrant breach in the formation, creation, or adoption of any rule of law never took place, than the attempt to exclude and expel this gentleman from this chapel..... There is, next, a provision to pay over the money to the trustees, but that part of the deed I need not read. Then there is a provision in the deed, that the minister shall not preach longer than two years. It is then further provided,

“That in case it shall ever appear to the Trustees for the time being, of the said trust estate and premises, or the major part of them, for the time being, that the doctrine of any preacher or preachers, so to be appointed as aforesaid, is contrary to the notes or sermons hereinbefore mentioned, or that the same is erroneous, or that his or their conduct and abilities is or are immoral, or deficient; then, and in such case, and as often as it shall so happen, they the said Trustees for the time being shall proceed according to the rule in that case provided in the Rules of Pacification, set forth in the Minutes of the Conference.”

This clause your Honour will probably find, when I come to state the circumstances, the charge against this gentleman, and the manner in which the persons who have clothed themselves with this illegal authority to remove him, is a thing totally lost sight of.

VICE-CHANCELLOR.—Have you a copy of that clause?

Sir W. HORNE made some observation, which was not distinctly heard, and also referred to the promise made by Sir Charles Wetherell at the outset, that he would not occupy five minutes in stating his case.

SIR CHARLES WETHERELL.—I will state a case so clear as to leave other persons to refute it. When a man has a very clear case to state, it is his duty not to borrow the want of perspicuity which another person thinks fit to use.

Sir W. HORNE.—My learned friend is stating my case as well as his own.

SIR CHARLES WETHERELL.—I will state a case so clear that no person's ingenuity will be able to puzzle or confuse it.

SIR W. HORNE.—There is no doubt whatever about the trust deed.

SIR CHARLES WETHERELL.—The deed then goes on to provide for the nomination of stewards, and contains various other provisions, which I think, for the purpose of this suit, it is unnecessary to mention. This deed was executed in the year 1781, and under it Dr. Warren was appointed minister... We come now to another part of the case. The bill represents,

“ That the said yearly Conference of the people called Methodists, consisted of the Preachers and expounders of God's Holy Word, commonly called Methodist Preachers, in connexion with, and under the care of the said John Wesley, whom he summoned in every year to meet him in London, Bristol, or Leeds, to advise with them, and to appoint Preachers to the several Chapels given or conveyed to or in trust for the said John Wesley, and belonging to the said Connexion, and for the general administration of all matters connected with the regulation of the society or body of people called Methodists ; and the said yearly Conference is now constituted, and has for many years last past been constituted, of the 100 senior Methodist Preachers for the time being ; and the appointment of Preachers to the several chapels and districts within the Connexion belongs solely and exclusively to the said yearly Conference.”

I read this allegation from the bill, in the terms in which it is stated, because upon this part of the case there is not any doubt that the body called the Conference,—whom I may call, not metaphorically, but strictly, the supreme authority, the supreme Governing Body,—consists of 100 persons, who are the senior Methodist Preachers ; and the appointment of preachers to the several chapels belonging to the union is vested in them, if I may so express it, as patrons ; they are, from time to time, to name the chapels to which this respectable class of persons resort for worshipful and spiritual advice. The bill then goes on to represent that in 1824 the plaintiff became a member of the Conference. He has, therefore, been a member of the Conference, as your Honour will perceive, nearly eleven years,—a body very well chosen to govern, because consisting only of seniors,—a body of gentlemen having a good deal of experience, not too readily becoming legislators, and likely to exercise, from their age, and experience, and knowledge of what is fit and becoming, a most sound and prudential system of government. The gentleman now expelled by this usurping assembly had been himself eleven years a member of Conference. I must beg leave to represent that to your Honour. I should say, that a pastor who had so long exercised these duties,—who had himself, in the course of seniority, become a member of the governing body,—who had attained that station as a man only can attain it, by a course of high respectability of character, performing his duties to the satisfaction of those whose spiritual wants he was to assist, and whose spiritual comforts he was to provide for,—I say, the very circumstance that this gentleman was a member of that body must, undoubtedly, recommend him to the attention of every Court. I wish there had not been quite such hasty proceedings in

the assuming and arbitrary Court to which I am presently to allude. Now, Sir, as I before stated, this gentleman was appointed in 1833 for a year, and after that appointed for a second year; and in the second year of his office, which is termed that of Superintendent Preacher of the First Manchester Circuit, he was in the possession of this office, and in the performance, and going on in the performance of these duties in this very important station of the Union. Sir, it so happened, that in the year 1834 there took place in London a General Conference. The body,—what one would call by analogy to the Church, the Convocation,—including those who composed the body of the Conference met; and it appears that, upon that occasion, there was a discussion upon the subject of introducing a new mode of educating the junior ministers of the Institution. It seems that some persons were for establishing, not an episcopal order,—that, as we very well know, the Wesleyan Methodists, respecting, undoubtedly, the piety, learning, and various religious, literary, and moral qualities which belong to the Church of England, did not consider the most desirable mode of administering the supreme government of the Church,—and they have hitherto, if I may so express it, not only been self-governed, but also self-taught,—that is, they have objected to the institution of boards, or spiritual governors, or episcopal authorities of that description which exists in the Church of England,—they would not like a system of that sort to exist in their Union; but it seems that, in the year 1834, at this Conference in London, there was a project to establish what is called a Theological Institution for the education of the junior members of the Union; itself, certainly, an innovation in the history of Methodism. Whether wise or not, I know not; it was undoubtedly, a project perfectly new. Being a new project,—being what some might call a reform in the system of administration of the Wesleyan policy,—it was a subject of some difference, which any man, without being chargeable with going out of his way, without improperly exciting contests, without getting up complaints,—I presume it was a subject on which a member of Conference might, in the most conscientious,—aye, and in the most discreet performance of duty,—entertain an opinion one way or other, as to whether the plan was desirable or not. For this supposed offence was this gentleman tried,—not by Conference, but by an usurping species of tribunal, a tribunal I know not who advised. This gentleman having, at this Conference, made a speech, and I think a very able one, in which he did not agree to the adoption of this plan; afterwards published that speech, not being a single individual, (I have known cases of a single vote upon which a thing turned,) but, I believe, in common with thirty other persons not liking the plan. There is in that place, as I am told, and I have seen it in other places, a difficulty in getting a hearing. There were great difficulties, I understand, in the way of this very able person getting a hearing; but he did,—not at Manchester in this secret court, where they try in this strange manner,—but in this Conference, as a member of it; having been ten years a member of it, and one of the seniors of the clerical order who composed it;—having just as much right to deliver it elsewhere;—after some struggle he did get heard, and stated his objections to the adoption of his plan, having with him a number of about thirty,—the total number of the Conference being 100. He cannot,

therefore, be chargeable with anything like a factious opposition. It is not the case of one gentleman who for purposes of disturbance, or any personal views, thinks fit to quarrel with, or dispute opinions which are so perfectly clear that a man ought to give up his own opinion;—though I know but few cases in which a man should give up his own opinion. Having delivered this speech, it was afterwards published. He was not successful in opposition to it, and he published his speech. He afterwards, with the speech, also published observations in the nature of remarks upon the general subject. I have read it over myself, and when I read it over I could hardly imagine how it were possible that a gentleman, if I may use the expression, was to be prosecuted for such a speech, or I may add persecuted; much less could I imagine that this was to take place, not in the body of the Conference,—by the Conference meeting and saying “We do not approve of this speech being published,”—but by other persons when Conference did not interfere. However, the speech being published, this takes place. In October, 1834, some persons thought fit to try Dr. Warren for his speech thus published, and your Honour will be surprised to hear how this mode of trial was to take place. If there had been any analogy to a breach of privilege, if the publication of this speech could be deemed a breach of privilege, the Conference were the persons to notice it. Although I know no rule upon the subject, yet one may almost say, that if one man were tried for such an alleged breach of privilege, they should have tried the whole thirty persons who joined with him in supporting the same opinion. I don’t know whether there be any such rule in Conference as breach of privilege; but I say that if any one thought the Doctor had not done right in publishing these remarks,—that it was a subject, the discussion of which ought not to pass outside of the doors of the Conference-room,—or that they ought to have discussed that subject *foribus clausis*,—that on grave and important subjects discussion is there to end,—I know not if there be such a law or rule, but if there be that law or rule, that a man is not afterwards to discuss the same subject out of doors, nor to write his remarks, nor to publish his speech, nor to enter into the investigation of it in any manner whatever, I cannot give credence to it. I believe there is no such rule,—I deny such a rule; but if Conference thought they had a right to convene this gentleman before them, denying and protesting that there is such a rule,—and common sense compels me to predicate it is impossible there should be,—the Conference,—this *quasi* Parliament, or the *quasi* Convocation,—they are the persons that ought to have said to Dr. Warren, “You shall not publish such a speech, nor make any remarks nor observations upon the subject of our discussion;”—but that was not done. On the contrary, there appears to have been, in this corner of the Manchester Circuit, about a couple of hundred of miles from this Conference, a District Meeting called, at which no member of the Conference, I believe, attended; there this case was brought to trial. You will find, that the Pamphlet, having been published in October, 1834, there are certain charges brought forward in a document of the nature of what one would call an indictment; these were preferred against the Doctor, and of that indictment he was served with a copy. If an indictment had been brought by the Confer-

ence, the Doctor would have said to them, in part what I have stated, "Where is your rule?—shew it me, that I may endeavour to satisfy you that this indictment is larger than your rule, and that you are totally in the wrong.—Where is your tribunal to try it?—Where is your East's criminal-law?—Where is your Hawkins' or your Hale's pleas of the Crown?—Where, in short, is your right to form such a Tribunal?" He would, in the first place, have had a right to the indictment. There should have been a plea to the jurisdiction as well as a right to demurrer. They know very well, (with my friend's assistance,) we should have put in four or five or six bars against the very incipency of this indictment. They don't try it *in banc* in London, but they get somebody elsewhere to indict him upon the circuit; and accordingly you will find a letter dated 11th of October, 1834, addressed to Dr. Warren. That letter begins "*Dear Doctor*"—(a laugh—) the most civil mode of serving an indictment I ever heard of. Your honour will find that these soft, mulcifying, assuaging, captivating, conciliating, friendly, and beloved terms, end in a way the very opposite to the order of expressions, which one would call *caræ* or *carissimæ*. Then it proceeds to state, "The enclosed charges having been preferred against you by the Rev. John Anderson,"—He is one of the hundred—I am very sorry that he is, "it is my duty to give you notice to attend a special District Meeting"—not to attend the Conference, but "to attend a special District Meeting, to answer the said charges. The Meeting is appointed for Wednesday, the 22d inst., to commence at ten o'clock in the morning, in the Steward's Room, Oldham Street. I have requested the President of the Conference to preside on the occasion. I am your's faithfully, *Robert Newton*." Now, your Honour will observe, the person who gives this notice, the person who writes this attractive letter,—the indicter, becomes afterwards the minister and presiding judge of the place. He continues no longer the man of feeling for the "*Dear Doctor*,"—the "*Dear Doctor*" is thrown out, and he actually becomes the Dear Doctor himself. As my friend says, he escheats the title, and afterwards takes it upon himself, or, in other words, runs away with the escheat. This is not known in our old manorial law, but here the writer serves the Doctor with an indictment, is a member of the Court of Assize, adjudges the Doctor to be no longer minister, and upon that sentence of adjudication, he having mounted the horse and shoved his friend from the saddle, rides out of the Conference-room minister of the Manchester Circuit. (Laughter.) My friend may endeavour to confuse the case, but the *dramatis personæ* cannot be better represented than by a mere statement of the *res gestæ*, showing the parts that each of these individuals played. This it will be beyond the power of my friend, or any man of talent, to confuse. They may be used by and bye for other purposes; but these matters are of the nature I have stated to you. From that self-constituted Court, you have this letter served by the very person who actually got himself appointed minister. It is served upon this gentleman for some supposed offence,—for nothing done upon the circuit, for nothing done by him in his character of minister, for no want of attention in performing his pastoral duties,

or for not giving satisfaction in the district, for nothing *inter se*, as between himself and any one of the persons constituting the 2000 or 3000 frequenters of the chapel of which he has been the preacher,—not for any thing done or said there, as between him and his communicants, not for any thing bringing him into contact with them ; but he is convened to this Court by the Rev. Robert Newton, on the prosecution of Mr. John Anderson ; and at a tribunal of this sort this gentleman is displaced from his ministry, and the intrusive server of this notice, one of the judges, is the individual who actually displaces him, after calling him before the Court. Having displaced him, he, one of the parties, mounts the judgment-seat, and having expelled the supposed criminal, he clothes himself with the dignity and the duties which he, as a judge, has declared Dr. Warren shall no longer be permitted to perform. Let us see what these charges are. “ I have desired the President of the Conference ;” who made this gentleman the President of the Conference I know not—

Sir WM. HORNE—I really don't believe that my friend's client has desired him to state this ; that fact will not be denied.

Sir CHARLES WETHERELL—Now let us see what the charges are. The first is—

“ That Dr. Warren, by the publication of his pamphlet, entitled ‘ Remarks on the Wesleyan Theological Institution, for the Improvement of the Junior Preachers,’ has violated the essential principles of our Connexion.

“ II. That the said pamphlet contains sundry incorrect statements and misrepresentations of facts, highly prejudicial to the general character of the Body.

“ III. That the pamphlet contains, also, certain calumnious and unfounded reflections upon the character and proceedings of the Conference ; and on the motives and conduct of individual preachers.

“ IV. That the said pamphlet is distinguished by a spirit of resentment and uncharitableness, highly unbecoming the character of a Christian Minister, and obviously tending to produce strife and division in our Societies.”

The charges having been preferred, your Honour will by and by ask, where is the code of laws which has enabled either the Conference, or this District Committee, to convene a person, and try him before them ? I shall probably learn this from my friend's statement. I shall know by what statute such charges, (as they are here called,) and by what clauses, and rules of law, a person so situated is to be tried. By such things we are to be, I will not say, confused, but my friend will by and by attempt to confound me. He will show some rule, either of common or statute law, by which an individual is to be tried, upon such loose, vague, and extraordinary charges, and the evidence by which they are to be supported. I know that there was in former times a well known public character, who was tried by a celebrated assembly in a certain place, upon some such charges, but they acted according to the principles of the constitutional law of the realm. Dr. Sacheverell was impeached, on charges brought against him. Some thought it was a very strange and unheard of impeachment, but several thought and said it was a very fair impeachment ; but whether it were fair or unfair, every one agreed, that it was to be done by a constitutional rule. Here, however, these parties are to rear up this extraordinary and most arbitrary rule, with which, by and bye we shall be enlightened,—we shall learn upon what rule this sort of impeachment is to be founded. This indictment having been delivered, and the District

Court having been constituted,—of which Court I really know nothing, but shall know by and by from the statement on the other side,—I shall learn, by-and-by, who the Judges of this Court were, and whether they were composed of laymen as well as clerical gentlemen. I know there are certain cases where there may be District Meetings, where you may convene certain persons, consisting of the Stewards, the Leaders, the Trustees, and the Ministers, of the District. There are particular cases, where a body of this sort may meet, but if so, I am to ask the other side who were the Members of this District Court? Your Honour, I believe, will find there was not a single Steward there, nor a Leader there, nor a Trustee there. And this is one of the points. I assert, that as to this pamphlet every word of it is justifiable. As we hear much, now-a-days, of the liberty of the press, I may say, I believe, I am as strong an advocate for it as any man can be, and I do not like to see it excluded from the discussion of religious subjects; but if the gentlemen on the other side tell me, as I hear it stated in a whisper between my friends, that there is such a tribunal as a District Court, authorised for certain purposes, in which certain subjects may be examined into and discussed, I say that even if this pamphlet had spoken with the greatest disrespect of the Conference, it was the Conference alone that ought to have examined into it. That was the place to try this gentleman; but if not tried by the general body of the Conference, I deny that there existed a District Court, before which he could be convened; and I state now, *in limine*, that the first objection, (from which I cannot depart nor be moved,) assuming, for argument, that this gentleman could have committed a triable offence, or one for which, according to the rules of the Union, he could have been tried,—still he has been convened, *coram non judice*, or before a tribunal who have no more power nor right to try him, than they have a right to try me; and all the proceedings which took place before this illegal, self-constituted tribunal are proceedings before a Court which had no right to clothe itself with judicial attributes, and proceed to the lengths which they have done—of expelling this gentleman from that which in a civil sense is his freehold, and putting another into possession of it. I will undertake to prove, if it be admitted in argument, that this printed Speech was a matter upon which he might be arraigned anywhere, and before a Court properly constituted, that the Court before which he was arraigned was a Court without any one of the attributes which such a Court ought to have. That District Court must have been composed of the individuals I have mentioned, namely, the Preachers of the District, the Stewards, Leaders, and Trustees. The Stewards, Leaders, and Trustees are usually laymen. I do not know if there be any positive rule that requires them to be so, but they are so, and very properly so. There are a hundred members in Conference, who are entirely clerical. But when you come to try these local offences, where a person is charged upon a particular circuit, whether he have or have not done any thing which, according to the rules of the Union, has deprived him of his situation, and displaced him from his duties, common sense requires that that Court should be a Court constituted as it is by these deeds, namely, a Court consisting of the Preachers of the District, the Stewards, the Leaders,

and the Trustees. Now I state as a fact, there was no Steward, no Trustee, no Leader present. The Court was to consist of four classes—first, Ecclesiastics, or the Preachers; second, the Stewards; third, the Trustees; (these forming a class by themselves for other purposes,) and fourthly, the Leaders, who are certain eminent respectable persons, frequenters of these places of worship. They try the person. I dare say in this case, the bailiff, upon his summons to the Jury, wrote, “Dear Brother,”—but he forgot to summon a Trustee, or a Leader, or a Steward; as to all these he forgot his duty, and summoned the Ecclesiastical Board entirely. When I state that this case is thus to be explained, as far as my view of it is concerned, it lies in the narrowest compass possible; I have almost done here; I literally have done. Suppose this pamphlet be a composition upon which a Court duly constituted could expel him, or Conference might have tried him, my answer is this,—I ask how comes it that you have got a packed Court,—a Court in which you have designedly and purposely, (for I may use legal phraseology in a metaphorical sense) how comes it that you have had the *malice prepense* to exclude the lay component parts from this District Court? Was it for the purpose of introducing that very spirit of which you complain? To remove this gentleman, the Court ought to have the admixture of these four components; but as it was not composed of all these classes, no rule, no practice, no usage, constituted it a Court at all! I assert here, that this particular Court, on this occasion, was so constituted, for the purpose of inflicting what they meant to be a great disgrace upon this gentleman,—to suspend him from the exercise of his duties, and to put another in his place. That has been done by this self-constituted,—done by this usurping tribunal, consisting of clerical gentlemen. It has been by the functions and authority with which they have thought fit, upon this occasion, to clothe themselves, that they have inflicted this disgrace upon Dr. Warren. Having done this, I may now state to your Honour, that after this meeting was held, there was a friend of this gentleman, a Mr. Bromley, who was allowed to be present, who ventured to make some remark upon the irregularity of their proceedings; and what do they do? Of course Mr. Bromley came there as Dr. Warren’s friend; and, although I should have thought that a friend would have a right to rise for a friend, and that they would not be offended if the “Dear Doctor” had a friend, yet when Mr. Bromley, who was his friend, made some observations, he was desired immediately to withdraw. Upon this Dr. Warren did that which he was authorised to do; in an analogous sense, he pleaded to the Jurisdiction; says he, “I will not be tried by such a tribunal.” I say he did most properly decline to be put upon his trial. The upshot was, that the Doctor, who had pleaded to the Jurisdiction, said, that he would not submit to be tried by that tribunal, and accordingly on the following day, the 23d of October, Dr. Warren received another letter.

“My dear Brother,—As Secretary to the Special District Meeting which has been called upon your case, I am directed to forward to you the following Resolutions, which have been unanimously adopted.”

This is written on the 23d of October, 1834, and this is sent him by

the Secretary to the Special District Meeting, so that you will observe they had given themselves this character or denomination. The resolutions were, first, "That Dr. Warren, by his positive and repeated refusal to take his trial at this District Meeting"—I hear it whispered that the Dr. had consented to be tried; "No," says the Doctor, "I won't be tried." I apprehend that my friend, who is wishing to confuse us all, is, in point of fact, confusing his own secretary. Then it goes on that there is "left to the Meeting, however reluctant thus to proceed, no alternative, consistent with the existing laws and usages of the body, but that of declaring him to be suspended from his office as a travelling preacher; and he is hereby suspended accordingly." I would venture to say, that no person in the Crown Court, or in the Six Clerks' Office, or in the Registrar's Office, could ever have drawn up a more perfect sentence than this. He is "declared to be suspended from his office as a travelling preacher, and he is hereby suspended accordingly." That is the first resolution. The second resolution is—"That, nevertheless, if within a month from the date of these Resolutions, Dr. Warren shall signify to the chairman of the district his willingness to take his trial before a Special District Meeting, on the charges of which he has received regular and formal notice, the sentence of suspension shall be removed on the assembling of that Meeting, and he shall be allowed to have his trial, without any bar or disadvantage, on account of his present refusal to attend any future Sessions of this District Meeting." Here, you see, these gentlemen outlaw him; but still they say he is allowed to come in after a month,—“We will reverse the outlawry, if he will come in and submit.” The third resolution is—"That, in case of Dr. Warren's declining to give the required intimation to the Chairman of the District within the period above specified, he shall be considered as being suspended until the next Conference." Now, the Doctor was not minded to have his outlawry taken off at all. He was outlawed, and bids defiance to the outlawry. I am now one of his Counsel, with my friend near me; but if I had been so then, I should have given him that very advice. I should have said, "Never mind their outlawry; if you be outlawed by the Manchester secretary, by and by the Vice-Chancellor will take off your outlawry." The Doctor said, "I will not be bandied about by these notices, served by this bailiff, this secretary, this server of notices, this apparitor, this judge, this *hoc genus omne*. I will bear with all these wrongs, contumelies, reproaches, and even with their outlawry, for a month, as they say, "We will allow you for a month to live upon bread and water, and then, if you change your mind, you may come in and make your bow, submit to be reprimanded, take your trial, and, if convicted, be suspended." The Doctor did not think fit to submit to such a tribunal. This sentence was then drawn up; and I must do Mr. Secretary Crowther the justice to say, that he is an able secretary; that they could not have got a better secretary to draw up a better sentence, or judgment, of the arbitrary proceedings of this arbitrary Court, than he has done. He has been pleased to say, "First, we suspend you for not being tried; secondly, we give you a month to determine whether you will be tried or not; and, thirdly, if you do not comply, our temporary sentence of suspension is confirmed:—you are declared by this District Court an outlaw, and it is finally

ordered that you be suspended accordingly, unless the other Tribunal, the Conference in London, think proper to alter it." Sir, the Secretary of this District Court has played his part well, and now we are using our best endeavours equally well to play our parts;—whether equally well or not, your Honour has to decide. If I were to stop here, no person who has heard the history of this case can dispute for one instant, that the whole of those proceedings were got up in order that some spirit of dislike to this gentleman might be excited, not from any thing he had done in Manchester, not for any thing which had lessened or displaced him in the affections and attachment of the whole body. He has not lost the good opinion, confidence, or friendship of any one of them. But they have thought fit to do this. If this pamphlet does contain any thing which the Conference would have had a right to animadvert upon, they might have discreetly noticed it; but there is something so mean, miserable, and contemptible in all this, (and these words are not strong enough in a Court of law,) but we must go on to shew that it is illegal. I shall shew a contemptible meanness in attacking this gentleman, because he has done his duty in discussing ably, whether the proposed Institution was desirable or not; and that instead of saying that it was a breach of privilege, or contrary to their own rules, and bringing him as a member before Conference, where and where only should it have been considered,—instead of that, with an equal mixture of illegality and petty tyranny, they get somebody to indict him in this Manchester Circuit,—they constitute a Court directly in the teeth of that which they ought to form; they summon a few clerical members to it,—and designedly leave out other three components from which some of their Jurors ought to be drawn. They are afraid to attack him; but they get him into a corner, or into this illegally constituted Court, and because he will not come in and plead before them personally, he is temporarily suspended, and is then finally suspended,—because he will not disgrace himself by being tried before those Judges, who have no more right to do what they have done, than I have to go into the Admiralty Court to try a piracy, or my learned friend on the other side to go into Cornwall, and try in the Court of the Stanneries a question of tin-mines. If my friend were to go to Cornwall, and sit as a Judge in Court, with the miners and subterranean agents of the collieries, what would be the character of the tribunal?—but here, by the force of their dirty machinery, they contrive to change the venue from London or the Conference to Manchester; they say that no speech shall be published, and that their proceedings shall be kept secret, although there be no such rule to that effect. If they had any right to carry on the contest, and if there were a breach of decorum, there was a fair, just, and honourable place to investigate it. If their rules were applicable, they might have persuaded the honourable gentleman, or the "dear Doctor," to appear before them in that place, to answer their questions. If that had been their mode of proceeding he might have continued to plead; but, no, they change the venue from London to Lancashire, where no trial can be had, for the purpose of packing a tribunal, and gaining an illegal, tyrannical, and arbitrary sentence of expulsion. Now, sir, I have nearly brought my case to a close, But, says my friend, you must, to a certain extent, go into our case, as

there seems to be very little difference. I shall not be tempted, however seductive he may be as a tempter. But I am told, (as Counsel should not omit any statement either in law or argument,) and I know it is to be contended, that there exists a code of rules, which we very well knew, and we are as ready as the gentlemen on the other side to submit to them, although the Doctor was a rebel against the Court which would have had no right to try him. I heartily concur with him, as a gentleman of learning and eminence, in his refusal, as it would have degraded him. But it is to be said that there are for the government of the Union certain established rules, and to these I beg leave to call your attention. Those rules are called Articles of Agreement for General Pacification. Those constitute the rules under which the gentlemen who appear on the other side purpose to establish the Tribunal. These Rules were formed in 1785. For aught I know, they may have whole volumes of rules, and rules may be found in their magazines, there repertories, and their other archives; but it will be time enough to meet them when they are produced. I defy them to find out upon what rule this District Tribunal was constituted. I find that in 1795 there were established Articles of Pacification, agreed upon for the purposes of this Union, and which I believe have been continued ever since. This was part of their system of government, as was agreed upon at a Conference, and therefore they emanated from that source which is still the governing authority, and constitute the rules of the entire body of Wesleyan Methodists. Amongst other things it is provided that,

"If the majority of the Trustees, or the majority of the Stewards and Leaders of any Society, believe that any Preacher of their Circuit is immoral, erroneous in doctrines, deficient in abilities, or that he has broken any of the rules above-mentioned, they shall have authority to summon the Preachers of the District, and all the Trustees, Stewards, and Leaders of the Circuit, to meet in their Chapel on a day and hour appointed, (sufficient time being given) The Chairman of the District shall be President of the Assembly, and every Preacher, Trustee, Steward, and Leader, shall have a single vote, the Chairman possessing also the casting vote. And if the majority of the Meeting judge that the accused Preacher is immoral, erroneous in doctrines, deficient in abilities, or has broken any of the rules above-mentioned, he shall be considered as removed from that Circuit. And the District Committee shall, as soon as possible, appoint another Preacher for that Circuit, instead of the Preacher so removed, and shall determine among themselves how the removed Preacher shall be disposed of till the Conference, and shall have authority to suspend the said Preacher from all public duties till the Conference, if they judge proper. And the Preacher thus appointed, and all other Preachers, shall be subject to the above mode of trial. And if the District Committee do not appoint a Preacher for that Circuit instead of the removed Preacher within a month after the aforesaid removal, or do not fill up the place of the removed Preacher till another Preacher be appointed, the majority of the said Trustees, Stewards, and Leaders, being again regularly summoned, shall appoint a Preacher for the said Circuit, provided he be a member of the Methodist Connection, till the ensuing Conference."

This is the rule by which this gentleman is to be tried. Here is a District Court to be constituted of the persons I mentioned. First of all you will observe, as it appears to me, there must be a majority of the Trustees, who are (if I may so express it) of the nature of a Grand Jury. You are not to have a man saying "Dear Doctor" as a monitor, but there must be a majority of the Trustees so shew that there is what I may call a *corpus delicti*, that the "Dear Doctor" is a man fit to be brought to trial. There should be something to try a man for; but you are not to chuck him into the Dock, and try him upon such grounds as we have here detailed. There was no one giving an opinion,—no Bill found by a Grand Jury, to decide whether he were a fit person to be tried or not. When they say "if any Preacher be immoral or erroneous in doctrines," these are merely ecclesiastical rules, as to modes of worship, doctrines to be preached, and so on, Perhaps I may be told, this rule does not require a formal declaration in writing to put him upon trial. I own it does not express in what mode their belief is to be mentioned that it is a fit case to be tried; but in

this case there was no preliminary meeting. When persons are to be turned out of their pulpits, and disseized of their civil rights, they are not to be turned out without the common decencies of a trial. Accordingly, this article is not at all ill-formed. When a person is appointed at the distance of 250 miles from London, as a preacher, there may, in the performance of his local duties, be something which may make it fit he should be tried in a local Court; but that local Court is to be constituted of four classes of persons, comprising both the ecclesiastical and the lay portions, such as the Leaders, Trustees, and Stewards; and therefore, before a man is to be tried, these articles must be carried into effect. The Trustees must first believe that there is a ground of trial. I admit it is not stated that they should in writing express as a preliminary that they do so. I care not for the form, but for the fact. Where are the majority of those Leaders, and the Stewards, and the Trustees? They are *nusquam*; they are no where to be found. That is the first objection. In the next place, where is the constitution of the Court? Every one knows that where a grant, or Charter, or usage, requires a particular Court to have particular Members, those Members must be present. I need not cite authorities to shew that where a Court is to consist of persons specially named, they must be, if I may so express it, in the commission. You will perceive that in this case the course does not allow a majority of the Trustees to be Judges,—*all* the Trustees,—not a draft of them, but all. In this instance, there was not one present; you had neither the President nor the requisite members of the Court.

Sir WILLIAM HORNE—I admit it.

Sir C. WETHERELL—Then my friend admits himself to be out of Court. Instead of being all present, there was not one, but the ecclesiastical members only. Then it says "that the Chairman of the District shall be present." I should be glad to know how the chairman did his duty, and whether he had a vote of thanks. This Mr. Secretary Crowther does not tell us whether there was a vote of thanks to the chairman for his able, candid, and impartial conduct in the chair! (Laughter.) If that resolution had been passed, we know very well that a vote of thanks is a matter of courtesy, not a very solid thing,—and, therefore, it is not very important either way in ordinary cases. It would have been a matter of rather too ludicrous a nature, however grave the subject might have been as a matter of consideration. Be that as it may, however, the chairman is to be there, and to be president of the assembly. Here is another objection,—he was not present at all, he was not, therefore, chairman. Then the article goes on to say how they are to vote, and that the president of the assembly, and every preacher, trustee, steward, and leader, shall have a single vote. That is a very good rule; but these lay gentlemen were not admitted into the place, and if every one had been admitted they ought to have had a single vote each. It may be a very desirable thing to ascertain the cause of these proceedings against Dr. Warren. It may be that he had offended a gentleman of the name of Bunting, who was a strong advocate of the Institution—

Sir W. HORNE—He is not a party on the record.

Sir C. WETHERELL—He is not a party, and therefore his name is not upon the record, and I always like to be correct. He may have given offence to the Rev. Mr. Bunting, who was to have been President, Theological Tutor, and Foreign Secretary. He united all these offices in himself, as to which certain rules were to be observed.

Sir W. HORNE—Dr. Warren says so. He states that Dr. Bunting was at the head of the Home and Foreign Department.

Sir CHARLES WETHERELL.—I have no doubt that as far as Mr. Bunting is concerned, I could make out a case of impeachment. To the scandal of the ministers of

the Wesleyan Methodists, he was to be President, the Principal Theological Tutor, and Foreign Secretary, possessing the key of dominion, and the whole authority of the Union of the Wesleyan Methodists. Your Honour may be of opinion that there has been offence taken, (whether rightly or wrongly I don't inquire), but that which is made a matter of personal feeling, may, by the happy art of *metamorphosis*, be contrived to arrange the machinery so as to make other names appear upon the record, when he was virtually the person who may consider himself injured. They may contrive to get persons to act the *dramatis personæ*—to play a part before the scenes, while behind the scenes he may be the principal actor and dramatist. I will read a little more:—"And if the majority of the meeting judge, that the accused preacher is immoral, erroneous in doctrines, deficient in abilities, or has broken any of the Rules above mentioned, he shall be considered as removed from that Circuit, and the District Committee shall, as soon as possible, appoint another preacher for that Circuit, instead of the preacher so removed, and shall determine among themselves how the removed preacher shall be disposed of till the Conference, and shall have authority to suspend the said preacher from all public duties till the Conference, who shall ultimately deal with the case." This gentleman did not think fit to appear before them; he was accordingly suspended for a month, that his contumacy might be got the better of. The Doctor, however, being independent and not frightened, made little of this sort of tribunal, and did not appear, and therefore he was finally suspended, as far as they are concerned. Now, sir, if I were to admit that this were a pamphlet to be complained of, I may ask my friend, how do you make it appear that it is immoral, and erroneous in doctrines, or deficient in abilities? I know not how that can be alleged. I have read many pamphlets and speeches, and tried this by those tests, and I must confess myself at a loss to know how it can come within the meaning of these clauses. I would also state that what is called the liberty of the press appears to me to be considerably infringed, if, in cases of a difference of opinion between two individuals, one maintaining one side and another the other, such a composition as this—neither erroneous in doctrine, deficient in ability, nor immoral in tendency—unless immoral has a new signification when applied to polemical discussion—is to be withheld from publication. Even if I were to admit that this was a most improper publication, there is but one tribunal, the Conference, before which, upon any principle of law or usage, this gentleman could have been convened and tried. Under these circumstances, not being tempted by my learned friend to go into the history of his numerous affidavits, I shall sit down, perfectly contented and satisfied, that the character of this gentleman will remain as untouched and unimpeached as it ever has been; and that, from this Court, when your Honour has heard the case and given your opinion upon it, he will go back to the performance of his duties in the district from which he has been suspended, carrying with him the good wishes and good opinions of the thousands of persons who frequent these chapels. If I were to state to your Honour the sentiments and feelings entertained—the sentiments of disgust, the injured sensations, in consequence of the mode in which a person so much beloved and respected in the district has been treated;—if I were to paint to your Honour the sentiments of injured feeling diffused among the thousands who attended the chapels where this gentleman performed his duties, I should lay before your Honour evidence, (I do not know that it would be strictly admissible,) to show that every one of these persons, male and female, felt injured, disgraced, and degraded, by the arbitrary proceedings with which their pastor has been visited. I venture unaffectedly to predict, that he will go out of this Court with his character uninjured by the dirty, mean, contemptible attack made upon it in that place, where it ought not to have been made, for the purpose of private pique and resentment, masqued and concealed under the plausible exterior of doing service to the communion of Wesleyan Methodists; when every calm and dispassionate person sees, that instead of soothing the feelings, they adopted measures for purposes of excitation, and inflicted on that happy, harmonious, pacific, and mutually-confiding body, a sentiment of disgust which I hope will cease, when your Honour decides the question, but which has been, in my opinion, most justly excited by the disgraceful and offensive proceedings with which this gentleman has been so unjustly, and, as I think, so tyrannically harrassed.

Mr. KNIGHT followed on the same side. He stated that he believed it would be admitted, on all hands, that unless it could be proved that Dr. Warren had been

legally removed from his situation of Minister of the district in question, he was entitled to the Injunction that he now applied for, in order to protect him in the continuance of those duties, and the possession of those rights, with which he had been properly invested. In pursuing the course of observation that he felt it his duty to submit to the Court, he would endeavour to give a short outline of the origin and constitution of the society of Methodists, terming themselves Wesleyans. His honour was no doubt aware that this society owed its origin to the late illustrious John Wesley, for illustrious he believed he might call an individual whom all ranks respected, however much they might differ from him in regard to the religious opinions that he propagated. During his lifetime, Mr. Wesley maintained, in himself, with some degree of strictness and jealousy, the supreme dominion over his flock ; and any attempt to interfere with what he considered his prerogative, was answered by him in a somewhat harsh and repulsive manner. In fact, without using the expression in any ludicrous or disrespectful sense, Mr. Wesley might be termed the actual Pope of Methodism. Mr. Wesley lived to an advanced period of life, and died at a venerable and honoured old age, in the month of March, 1791. During his lifetime he had associated with himself several assistant preachers, for the purpose of regulating the spiritual concerns of the large, and extended, and gradually-increasing society in England or elsewhere, of which he had been the founder. After his death, it might be said, that a state of circumstances arose somewhat similar in their nature and character to the state of things that followed the demise of that illustrious hero of antiquity, Alexander the Great. Disputes and divisions arose among the Generals of that extraordinary individual, who had no more worlds to conquer ; and dissensions and controversies took place among those persons who had been the assistants of Mr. Wesley. Indeed, it could not be doubted, that such would ever be the case in instances where a great and powerful mind had created a particular system, and the founder of it was suddenly withdrawn from this world, leaving behind him no individual capable of conducting the vast machine of his creation, or to whom his followers would pay that implicit obedience which they had shown to him. These divisions and dissensions were, at length, finally adjusted and arranged, by certain Articles of Pacification, drawn up in the year 1795 ; and he believed that the defendants admitted that the Articles of Pacification, expressly, and in terms, forbade the doing of that which was alleged against them. The constitution of the society of Wesleyan Methodists might be thus explained. Some twelve or fourteen persons formed themselves into what was termed a Class, appointing a certain individual, generally a layman, to hold the office of what was termed Class Leader. So many Classes composed a Society, each Society forming the congregation of their particular Chapel, or whatever place of worship was allotted to them. A certain number of Societies composed what was called a Circuit, and so again a certain number of Circuits formed a district. The whole of the ecclesiastical concerns of the body were under the supreme control and jurisdiction of what was termed the Conference, which consisted of one hundred of the Senior Preachers of the Society ; and this Conference was appointed by Mr. Wesley to hold annual meetings. At the annual meeting the Conference appointed a certain number of Preachers to each particular Circuit or division, and the Senior Preacher of each Circuit was termed the Superintendent ; it being his duty to nominate the individuals who were to preach at the different Chapels in the Circuit to which he belonged. At the period of the suspension complained of, Dr. Warren was the Superintendent of the Manchester First Circuit ; and if the trusts of the deed of 1781, which his learned leader had referred to, were to be carried into execution, there could be no doubt entertained that this talented and respectable gentleman had been improperly and illegally removed from his situation of minister of the Chapel in question. Supposing that it were possible for the defendants to establish any charge of misconduct or immorality against Dr. Warren, taking that as a matter of argument fully proved, then, he submitted, that the Court before whom that gentleman had been cited was not properly constituted, even according to the rules and regulations relied upon by the defendants themselves. By those rules and regulations, it was provided, that in case of any minister being brought to trial for any alleged offence or misconduct, the Court should consist of the Stewards, Trustees, and Leaders of that body ; and that, having elected the Chairman of the district to be President of the assembly, they should proceed to the trial of the accused party, and

that every person composing the Court, whether lay or clerical, should have one vote. Now, in the case of Dr. Warren, the Chairman of the District was not called on to preside over the assembly who took on themselves to bring him to trial. Instead of adopting the regular and proper course, the defendants had sent for an individual from London to be their president; that individual being the very person to whom Dr. Warren had been most strongly opposed, in the discussion relating to the establishment of a Theological Institution. Conduct more base, more gross, more outrageous than that pursued by the defendants towards Dr. Warren, he had never heard of, in the course of his professional experience; and he was bound to characterise it in the strongest manner possible. He would here beg to make a few observations on the circumstances which led to Dr. Warren's becoming at variance with the persons who were the defendants in this case. Those circumstances might be said to have originated on its being proposed, at a meeting of the Conference, that a sort of Theological Institution should be established for the education and instruction of young men intended to fill the situations of pastors or preachers to the Wesleyan Methodists. Dr. Warren was originally favourable to the establishment of such an institution; but finding that the committee appointed to conduct the arrangement of the institution were appropriating all the good things to themselves, giving this office to one of their body, and that office to another, he objected to such a course of proceeding, and proposed certain individuals to be appointed who were not members of the committee. This proposal was no sooner made, than it was clamoured down by those opposed to the reverend gentleman; improper motives were ascribed to him largely and liberally; and the Rev. Mr. Newton came up to him and said, "I honestly tell you, Dr. Warren, it is generally believed, that if one of the offices had been reserved for you, we should not have heard of this opposition." Now, for this charge of Mr. Newton's there was not the slightest pretence or foundation, and it could therefore only be considered as a gratuitous insult by one clergyman to another. This being the state of things, and Dr. Warren being prevented from delivering his sentiments on the subject under consideration at the Conference, he published, in the shape of a pamphlet, the speech which he had intended to deliver before that body, accompanied with an explanation of the reasons which had induced him to take such a course. The publication of the speech gave great offence to that party who were opposed to Dr. Warren, at the Conference, and he was summoned to appear before them. Now he (Mr. Knight) could not possibly conceive what authority the defendants had to summon Dr. Warren before them; but the reverend gentleman went before them, and what took place on that occasion? Dr. Warren desired the assistance of a friend; but the moment that his friend communicated with him by a whisper, his friend was directed to withdraw to a more distant part of the room, and on his stating that such conduct on the part of the defendants was the height of cruelty, he was actually turned out of the room! Dr. Warren was thus left without any assistance or advice, entirely at the mercy of his enemies, who afterwards took upon themselves to suspend him from his situation of Minister. Any thing more abominable, more iniquitous, than such a proceeding he had scarcely ever met with and he believed that its parallel could only be found in the annals of the Inquisition, in the sixteenth century. His Honour might, perhaps, imagine that this account of the treatment of Dr. Warren was an exaggerated one; but he (Mr. Knight) could assure the Court, that such was the statement he found in the affidavits of the defendant's witnesses. The manner in which the Defendants sought to justify their proceedings was an allegation that it had been customary and usual to remove a Minister in the way in which Dr. Warren had been removed; but they adduced only two instances where such a course had been adopted; the one a case of flagrant immorality, the other a case in which the legality of suspension had been disputed..... The learned Counsel here read several extracts from Minutes of Conference, passed at various Annual Meetings of the Wesleyan Ministers, and contended that there was no rule or regulation by which a Court, constituted as that was before which Dr. Warren was cited, had any authority or jurisdiction to try that gentleman for any alleged offence or misconduct..... He, (Mr. Knight), was of opinion, that his Honour would be somewhat surprised to hear, that the defendants had not examined as a witness the only one of the nine Preachers who drew up the Articles of Pacification of 1795 that was now living. That individual, a gentleman of the name of Moore, had, however given his testimony in favour of the plaintiff. A near relative of Dr. Warren's called on Mr.

Moore, and expressed a desire to obtain the sentiments of that gentleman in reference to the effect of the articles of pacification in cases similar to the one then under consideration. Mr. Moore stated that he had no objection to appear before the Court in the character of a deponent on affidavit; but having communicated his opinion of the effect of the articles of pacification to Dr. Warren's relative, that opinion was reduced into writing, and on being read over to Mr. Moore, he acknowledged it to contain a correct representation of his sentiments on the subject. Dr. Warren's relative had made an affidavit which his honour would hear read, embodying the statement of Mr. Moore, which would be found in every point confirmatory of the case of the plaintiff, and destructive of that of the defendants. He (Mr. Knight) had carefully and diligently looked through the whole of the evidence of the cause, and he could not positively find any justification for such a flagrant departure from the rules and regulations of this religious society, as the defendants had been guilty of. Dr. Warren had not been removed from his office by any lawful or properly-constituted authority. Had been suspended by a body consisting of those whom he had ably opposed at the meeting of the Conference; and his accusers, and even his judges were now arrayed as witnesses against him. Was this a course of conduct consistent with those principles that ought to animate and direct the minds of men, whose duty it was to administer relief and consolation to their brethren? The only offence that Dr. Warren had been guilty of, if offence it could be called, was the having published a speech in opposition to the views of certain persons who wished to take unto themselves all the profits and emoluments derivable from the situation to be held under the Theological Institution. The reverend gentleman denied the authority of the individuals before whom he appeared to put him on his trial; and, under these circumstances, the defendants suspended him in the discharge of his official functions. He (Mr. Knight) submitted that his honour had before him a case which went to prove a flagrant violation of all former proceedings of this society,—a violation of every thing that belonged to justice, humanity, or the kindly feelings of our nature;—a case unparalleled and unprecedented in his experience, and he believed in that of every one whom he saw around him.

Mr. KINDERSLEY addressed the Court on the same side, pursuing a similar line of argument, and reading extracts from numerous affidavits. One of these was from Dr. Warren, and detailed the circumstances out of which the proceeding originated. Another was from his son, who stated, that in a conversation he had with the Rev. Henry Moore, the intimate and confidential friend of the late John Wesley, and the sole survivor of the Committee of nine preachers who framed the articles for a general pacification between the preachers and the people of the Society, in the year 1795, Mr. Moore said, that the plan of pacification originated with the preachers, who, in consequence of disputes relative to the administration of the Lord's supper, baptism, &c. were ready to exclude each other from the connexion. From this arose the question with whom might the power reside to suspend or remove a preacher, and to supply his place? Mr. Moore argued that if it were vested in Trustees alone, they might be partial; if in the preachers, they might become tyrannical. To place the question on its right issue, he contended it ought to reside in the conjoint judgment of all the Trustees, Stewards, and Leaders, together with the preachers, to pronounce upon the case whether any preacher put upon his trial were guilty, and ought to be suspended or removed from the circuit. The reason why all the Trustees, Stewards, &c., in the circuit were included was, that otherwise the Trustees of one chapel might eject a preacher from their chapel, whilst those of another would not. As, therefore, a preacher was appointed to an entire circuit, the official members of the whole circuit ought to have a voice in his trial, and determine his case by a majority of such a meeting. The affidavits went on to state that these words having been distinctly read over to the Rev. Mr. Moore, he declared with considerable energy that such was the intention of the committee appointed to frame the rules of the general plan of pacification, but that wishing to avoid mixing himself up with disputes among his brethren he would not make an affidavit, unless requested particularly so to do. An affidavit by Mr. Smith, of Reddish-house, a Trustee of several chapels in the neighbourhood of Stockport, spoke to the extent of the agitation occasioned by Dr. Warren's suspension. He believed that not fewer than 40,000 persons were opposed to the tyranny of the preachers, and that the number would greatly increase if the preachers did not change their course:—that if Dr. Warren were not restored to his former rights, and the Plan

of Pacification adhered to, the peace and prosperity of the Society would be broken. Dr. Warren stated in his affidavit, that though it was alleged that between thirty and forty preachers were suspended in like manner, he had attended twenty-nine Conferences, and did not believe that more than eight or nine had been suspended in that time, and those mostly for gross immorality, so that if they had appealed, no good would have resulted from it.—In answer to the allegation, that the memory of the Rev. H. Moore was greatly impaired, Mr. R. Smith, of Newington, made affidavit that Mr. Moore had very recently preached at Newington, and had exhibited powers as strong and vigorous as usual. In the course of the argument, Mr. Kindersley maintained, that Dr. Warren had been duly appointed to the Circuit in question, and that he had been illegally removed. In the Deed of 1781 no power was provided, by which he could be suspended. It was clear from the Deed, that a Minister once appointed by the Conference had power to continue without interference from the Trustees. If a preacher was thought to be unfit, the appeal to dismiss him was to be made to the Conference. The only way in which subsequent rules could apply to that chapel of 1781, was because they were of the connexion. In the case of the other chapel express reference was made to the Articles of Pacification: and that very reference was a document sufficient to prove that those articles were the laws of the body. If the Articles of Pacification varied the rules before made, it did not matter a pin what those rules were. If the articles distinctly pointed out the difference, then there was an end to the four resolutions previously made. On examination, however, he could not see how they applied to counteract each other. He then proceeded to an examination of the rules applicable to District Meetings, as found in the Minutes of 1791, 1793, 1794. The removal of preachers by the District Meeting was spoken of, but that applied to cases of immorality only. Assuming Dr. Warren's pamphlet to be immoral, the course to be pursued was pointed out, which certainly had not been pursued in this case. He next commented on the Articles of Pacification, in reference to the same point, and showed that there the case was against the defendants. It was said that the same power which suspended Dr. Warren appointed Mr. Newton in his place: but the clerical body was the only body which removed Dr. Warren, in direct contravention of the rules. There was not a line in any of the Minutes, or in the Articles of Pacification, which gave such a power as that which had been set up at Manchester. That meeting was summoned by two junior preachers, the Chairman of the district was not the president, but a certain individual specially sent for from London; and the same body suspended Dr. Warren, and appointed Mr. Newton to take his place. He next referred to the Minutes of 1829, in which the Preachers expressed their determination to maintain and uphold the Articles of Pacification, and the regulation made at Leeds. Those were stated to be the foundation of all the rules, and framed for the purpose of making peace. The power of the District Meeting to suspend or remove a Preacher was expressly excluded, and there must be something very definite and special to prove that those regulations had been repealed. He thought it unnecessary to call his honour's attention to the cases alleged as to usage. Why did not his friends name the instances, the dates, and so on? The fact was that the cases were those of individuals who did not dare object to the decision. Look at Mr. Moore's case. What did he say? "If you attempt to remove me I will go"—where? to the Conference? to the District? No; but "to a magistrate!" They allowed his plea and desisted. But Dr. Warren, it was said, had submitted to the tribunal at Manchester. But, no; they say in their affidavit that he had "positively and repeatedly refused to take his trial." It was a strange argument, then to say that he had submitted. They gave him a month to submit, and said, "If you submit, you shall have a trial, without any bar or disadvantage." But did he wait the month? No! in three days he wrote to them to tell them that he should not submit to their jurisdiction. In conclusion, Mr. K. expressed his opinion, that the Court was bound to grant the prayer of the petition.

Mr. PARKER adverted to the deeds of the two chapels, together with the laws and regulations in force at the date of those deeds, in reference to the appointment or removal of ministers, to show the illegality of the course pursued by the District Meeting. He had gone through the whole of the voluminous affidavits, extending to nearly 400 folios, and he could not find, except by inference, on what the case of the defendants was founded. They had not acted according to the rules of 1791, 1792, 1793, nor the

Articles of Pacification, nor the Minutes of 1796. They asserted that the rules of pacification were framed merely in reference to doctrines, and that discipline was not intended. But how came it to pass that doctrines and discipline were the headings of those articles? Had Dr. Warren been tried according to the second rule? Though they had sworn so long an affidavit, where was the proof of the summons? Or did they meet together fortuitously? It appeared that the President of the Conference was sent for to fill the chair, though the rule required that the Chairman of the District should take that office. Mr. Parker then referred to the other part of the rule, as to the presence of Leaders, Stewards, and Trustees. They might say that Dr. Warren's contumacy brought him within the third rule of the articles; but by referring to that they brought themselves within the very Articles of Pacification. The resolution to suspend him for contumacy could only be founded on that rule, the articles containing which they deny to have any application to the present case. The plaintiffs, looking at all those points, considered themselves fairly entitled to the injunction for which they prayed, and to have Dr. Warren restored to the situation from which he had been illegally removed.

The case of the plaintiffs having concluded, his honour intimated that he would hear the other side on Monday, and the Court, which had been excessively crowded during the day, was adjourned.

MONDAY.

The Court was again crowded to excess, as soon as the doors were opened.

Sir WM. HORNE said—It now became his duty to address the Court on behalf of his respectable clients the defendants. In so doing, he did not intend, nor was it his wish, or any part of his instructions, either to "confuse" or "confound" the case,—although such an intention had been attributed to him by his learned friend (Sir C. Wetherell) on the other side. All that he had to do was, to bring before the Court the real circumstances of the case, and endeavour to explain certain statements made by his learned friends on the other side, which he considered tended to misrepresent the conduct and motives of his clients. In the outset, then, he felt himself called upon to explain a statement which had been made on the other side, relative to the conduct of the defendants. Amongst the enormities of which they were accused, in the metaphorical language of Sir Charles Wetherell, it was stated, that the usurping Judges, for whom he appeared, had thought proper, like the Inquisitors of Spain, to put the party upon trial, and by their sentence to subject him to a subsistence on bread and water, or to deprive him of his living. His clients had done no such thing. They had not allowed him to beg, and it was not their fault if he had not every day a good dinner and a good digestion. They had not deprived him of any part of his temporal emoluments, although his friends had directed their argument to that subject. He should now draw the attention of the Court to the real question between the parties; because, before that was settled, his Honour could hardly know the value of the arguments. It was purely an ecclesiastical question, or a spiritual question growing out of an ecclesiastical transaction; and although a temporal question arose out of it, yet it was only the result of the present spiritual one. His Honour might have to decide, before this argument closed, whether, as to the spiritual question, he had any jurisdiction at all. If,

however, his Honour thought he had any, then the question would be, whether he could be properly called upon to exercise it? His Honour was perfectly familiar, he had no doubt, with the history of the Methodists; and it was not his intention to waste time in going at any length into general observations on the subject. It did appear necessary, however, that the Court should not lose sight of one peculiarity of this respectable sect, which was extremely important in this case, namely, the truly religious and spiritual object of its patriarchal Founder. His Honour knew perfectly well that he (the Founder) was a disciple and member of the Church of England, and that, with a very few and immaterial exceptions, he concurred with the doctrines of that Church, and those ordinances connected with it; differing only with regard to discipline and forms. It was well known that his object was of a spiritual nature, in so far as it referred to the duties and practices of the ministers of our common religion; and the administration of temporal matters was so ordered that those were considered as entirely subordinate to the great spiritual and ecclesiastical polity on which his system was established. His object was not to exercise an arbitrary or oppressive power over the laity of his community, but to correct any thing like irregularity among the ministers of the Established Church of his day, and that he might substitute, not a new priesthood, nor a new ecclesiastical polity different from that which was then established, but that he might superadd to the christian character of the Ministers of the Church, of which he was a member, those graces which he conceived well became that character. Those were not less worthy, though more humble. It was also a leading object with him, to secure a fair, due, subordinate, and meek, (he would not say a passive) obedience to the Conference at large;—in short to secure from all, down to the lowest ecclesiastical servants under his jurisdiction, a ready and quiet obedience. He appointed and dismissed ministers and subjected his clergy to the influence of proper authority. Without stating more upon the general subject, he begged to advert to what his Honour had not been informed of, nor invited to look to, namely, what had been the conduct of the plaintiff himself in this case. When he had drawn his Honour's attention, as he meant to do without the slightest prejudice to the reverend plaintiff, (for, on the contrary, he should as far as he could, give him credit as far as he deserved,) he could not press any thing against him contrary to the fact, nor exaggerate, but would try his case by materials the most unexceptionable as evidence, namely his own conduct, verified by his own deliberate publications. His Honour was aware that the plaintiff in this case was what is called, in the policy of the Methodists, a superintendent of a Circuit. He would go over again what was the general scheme and polity of the Methodists. They have their Conferences and subordinate jurisdictions. There was a jurisdiction which belonged to the preachers of the Circuits, or those that preside over them; but the great question in dispute was as to the District Committees, which were formed of the preachers from various Circuits, of which his Honour had heard so much, but he would state it more

accurately. His Honour had been asked not to give less attention to this case than to any other, because it was of a religious nature; he called upon him also not to do so—under a protest against his jurisdiction in strictly Religious matters. Subject to that protest, he called upon his Honour not to give less attention to it, because it was mixed up with Religion; but, on the contrary, if possible, to give it a greater attention than to the ordinary secular business of the Court. His Honour had been told, and he (Sir W. Horne) was not instructed to deny, that the plaintiff was a highly respectable man; he had no belief otherwise than that he (the plaintiff) was moral and pious. He did not detract from his merit; but he could not but lament that a gentleman who was a pious minister of such a communion as this, should have thought it right to tell his Honour, and to arrogate something of a merit to himself, that he was the first person in this connexion, which had subsisted now for nearly a century, that had ever come into a Court of Chancery.—The inference intended for his Honour to draw from that was this, not that he was a litigious man,—not that he wished, contrary to the principles of the Founder of this Sect, to mix secular litigation with religious matters; but that, notwithstanding his love of peace, and his meekness, and subordination to ecclesiastical authority within the Connexion, yet still, that the enmity that had been practised against him in the present case had been such, that it was necessary, without violating the charity of the Gospel, or the meekness of religion, to come into this Court, and for the first time in the space of a century, to call upon it, as a secular Court, to interfere. His Honour would judge, by and by, whether there had been any ground for this assertion and the facts built upon it. It would frequently happen in this body, as in all other bodies, that all the Members of the Conference, upon some occasions, did not agree; and from an unhappy division of opinions, on a certain occasion in the Conference, arose the merit, if it were a merit, of the Plaintiff, of being the only dissentient in the Committee; for when a Committee were sitting to determine whether an Institution should be proposed, it appeared from the advised written testimony of the Plaintiff himself, that he was the single dissentient from the plan. So far, therefore, as either the Conference, or the Committee of Conference had any thing to do with it, it was clear, that whether it consisted of a hundred, or four-hundred members, if one disagree the majority would bind the rest, (for it was the rule of the Connexion that the majority should so bind) and if the Conference consisted of a hundred, then it was plain that there was ninety-nine to one against the Doctor; and if it consisted of four-hundred members, then there were 399 against the Doctor. He did not mean to say that because the Doctor was alone, that therefore the Doctor might not be right, for it had happened that a minority, aye and even a single individual, had viewed a subject much more clearly than even a large majority; but the question his Honour would have to look into, was, whether the Doctor, being a mere unit in an assembly whose fundamental principles were those of meekness and peace, and bound by the laws of the Connexion to submit to the decision of the majority, had acted well in not submitting to that decision in si-

lence and peace, instead of publishing pamphlets which he (Sir William Horne) was under the painful necessity of bringing before his Honour, in order to give him the best evidence of what the real facts of this case were, and the spirit in which the Doctor conducted himself. When the pamphlets were read, his Honour would form a more correct estimate than he had hitherto been able to do, of the temper, spirit, and judgment of the Doctor, on the one hand, and of the temper, spirit, and judgment of those, on the other, whom the Doctor had thought proper so improperly to abuse. He thought his Honour must have been struck with the almost entire omission of his friend, in bringing before the Court the subject-matter of the charge, or what was the cause, which compelled his clients (the defendants) in the discharge of a painful duty, to cite the plaintiff before the District Committee. So far as general observations could go, abundance of odium had been thrown upon his clients, whose conduct, Counsel had been instructed to represent as being about the worst in any community, christian or heathen, ever brought before a Court. Whether this was in accordance with the genuine spirit of Christianity, or with the peculiar spirit of this most respectable, meek, and pious community, his Honour would judge when he had heard the whole case. He would now introduce to his Honour the Doctor himself; because, meaning not to exaggerate, but being bound not to omit what he believed to be the truth, he should state all which he considered to be his duty to his clients, as well as the plaintiff, to state, and not more than the truth. The best mode he could take would be, to let the Doctor introduce himself; he should, therefore, without ceremony, introduce him as he appeared in the publication which he held in his hand, which he supposed he (the Doctor) would not wish to withdraw; and which, he was sure, might be safely trusted as evidence, as he should show to the Court "that the Doctor was a person who never said or did anything but most advisedly." He should begin, therefore, with the pamphlet. Whether pamphleteering was one of the attributes of Methodism, he knew not; but he felt persuaded, that such pamphleteering as this was in direct violation of all the best and most fundamental principles of a Christian community.

[The learned counsel proceeded to read the greater portion of the pamphlet to the Court. We must confine ourselves to a very few extracts, which were those most severely commented on by Sir W. Horne. The Doctor commenced by saying, that it was with unaffected reluctance and pain that he was called on to lay before the public his reasons for publishing his address to the Conference, on the plan of a Theological Institution, still he thought it his duty to protest (he, Sir W. Horne, did not know whether these spiritual peers really possessed the privilege of a protest,) against the plan, and to set himself right with those who might have received impressions artfully circulated to his disadvantage. He, (Sir W. Horne,) was as warm an advocate for the liberty of the press as any man, but he would put it to Dr. Warren to consider whether, when he issued that publication from the press, he was not conscious that he was sending a firebrand into the whole Connexion. He would ask him also, whether, if he protested against the 399 of this assembly, each one of them had an equal right to protest against him, and to write a

pamphlet in defence of his own conduct, and disapprobation of his, (Dr. Warren's;) and whether it was the intention or wish of the founder of Methodism that every question that came before the Conference should be the subject of a pamphlet. He talked of artful impressions being circulated against him, but as no one knew what passed in the Conference but the members present, the charge lay immediately against them. The pamphlet proceeded to state that it was not his intention to have taken notice of what passed at the Conference, but for the unfairness with which he was treated. It then stated, that towards the conclusion of the Conference, the Rev. R. Newton, the Secretary, with an affected air of frankness, volunteered the following statement to Doctor Warren at one of the assemblies:—"I will tell you candidly, Dr. Warren,—what perhaps no other person has had the honesty to communicate to you,—that all the brethren say, had you only been proposed to fill one of the offices of the Institution, we should never have heard of your opposition." This statement being most injurious to his character, and having been "obstreperously clamoured down by the opposite party," he determined to give the reasons of his opposition to the public. The following passage was a fair specimen of the Anti-Christian and personal nature of the pamphlet. After stating that the object of the plan for a Theological Institution was to create and strengthen a party, and to become "an instrument of undue power in the hands of its chief supporters over the just liberties, both of the preachers and the people," it went on—

"The first suspicious circumstance which occurred was the eagerness with which certain members of the Committee, quitting (as Mr. Bunting himself more than once afterwards acknowledged) the legitimate subjects of discussion confided to them by the Conference, proceeded of their own authority to nominate the President of the Institution! Even this circumstance, however, staggering as it was, did not so far influence my mind as to prevent my concurrence with the Committee in the nomination of the Rev. Jabez Bunting to the Presidency. The offices of theological and classical tutors remained to be filled; and anxious to try at least the fairness of the motives which dictated such an anomalous and unwarrantable proceeding, I rose and named two individuals of unexceptionable character and qualifications, who were not members of the Committee, as suitable to put in nomination for the vacant offices. This proposal was, however, at once rejected, and two others who were members of the Committee were nominated in their stead! This proceeding, together with the astounding proposal that Mr. Bunting should not only be the President of the Institution, but also Theological Tutor, and moreover still retain the laborious, responsible, and influential office of Senior Secretary of our Foreign Missions, developed the sinister intentions of the parties, and led me at once openly to express, in the hearing of that individual himself, that to such an extraordinary assumption of power I would never give my consent!"

Sir W. HORNE continued—He did not mean to contend that persons might not publish their opinions, under certain proper modifications, upon religious topics; such publications might not only be very innocent, but even very laudable, as there were religious matters which might not only affect the interests of the clergy, but also the interests of the public at large; however he thought that Dr. Warren ought to have abstained from the publication of such a pamphlet, which he must have well known was causing dissensions of the most mischievous nature, amongst a very large religious society, which had hitherto enjoyed uninterrupted peace and harmony. Now the Doctor had published the pamphlet, not

with any view to enlighten the world as to his reasons for objecting to the mere project for educating the junior preachers of the society, but purely to make it a vehicle for accusing others, by calumniating the members of the Conference, and misrepresenting the conduct and motives of that body of men who, according to the admission of his learned friends on the other side, was to be considered as the great spiritual guide in all matters affecting the Wesleyan interests. What he complained of in this pamphlet was, that Dr. Warren, from some supposed wrongs and injuries, which he imagined had been put upon him, turned round and became an assailant, and inflicted the same wrongs and injuries of which he complained himself, upon other persons who could not defend themselves, unless they could bring themselves to follow Dr. Warren's example, and publish scurrilous pamphlets in reply. There could be no doubt that the pamphlet published by the Doctor was a most gross libel upon the character and conduct of the Conference, and that it was, in the language of the charges brought against him, "a direct violation of the first principles of the Wesleyan Connexion." The public had lately heard the concentration of several offices in one individual loudly complained of in another place, (a laugh.) and it would appear that the Doctor, equally jealous of this unconstitutional assumption of power, had, by a species of prophecy, created a precedent. Before he sat down he thought, however, he should be able to convict the Doctor of a much more unconstitutional proceeding in endeavouring to "to stop the supplies." (Laughter.) He now came to the speech itself, which Doctor Warren seemed determined to publish, though he was not able to obtain a hearing to make it. They were all acquainted with the story of a popular member of the House of Commons, who having attempted unsuccessfully for several minutes to address the house, but could get no further than 'Mr. Speaker,' at last bawled out, that "his speech he must deliver, for it was gone to the *Morning Chronicle*." (Laughter.) [The learned counsel then read a great portion of the Speech, and commented on it with much severity.] The attention of the Court should also be drawn to a pamphlet which had been published subsequent to the Special District Meeting, and which purported to be an account of the proceedings. It first set forth the charges which his learned friend had with so much humour termed an indictment, and which were sent to Dr. Warren with a letter as respectful and proper as could be written. Then it described, in the bitterest spirit of sarcasm and ironical personality, the rev. gentlemen of whom the Court that had been called so tyrannical, oppressive, and despotic, was composed. The Rev. Joseph Taylor, who was the president of the last Conference, and who was sent for from London to officiate as chairman on that occasion, was likened to Judge Jeffries, and the whole proceedings were thus modestly characterized by way of a question, "Was ever a more complete piece of Jeffreyism played off since Judge Jeffries went to his own place?" Now, he would ask whether the inferential application of that term 'gone to his own place,' which had been made upon the worst of mankind, to the president of the Conference, the highest officer the connexion recognized, was not as awful an offence against the spiritual commands of the Divine Muster of him who uttered it, as any clergyman could commit, and whether

it did not merit the severest reprobation it was possible for any court, either spiritual or temporal, to pass upon it? The Rev. Mr. Anderson the chairman of the third Manchester district, was called the Attorney General who drew up the indictment; the Rev. Mr. Newton, the chairman of the district, Mr. Jonathan Crowther, the secretary, and other most respectable and exemplary persons, were all spoken of with the greatest ridicule; and the "amiable" Mr. Grindrod, who was on the other side of the Atlantic, was not less the subject of attack. The proceedings at the meeting were then described, when the following passage occurred relative to Mr. Bromley, a gentleman who was present by sufferance, as the friend and witness of Dr. Warren.

"On Mr. Grindrod's perceiving that Dr. Warren whispered to his friend, he rose, and with considerable warmth protested against Mr. Bromley's being permitted to assist the Doctor by acting as his counsel, or even sitting by him. It was stated by the latter, that he was not aware that Mr. Grindrod's interdict went so far as to prohibit even a whisper. All that he understood by it was, that Mr. Bromley should not be permitted to plead as counsel for the defendant. If, however, this was offensive to the meeting, the Doctor would consent to forego even this privilege, and that his friend, Mr. Bromley, should also remove to another part of the room. On being about to seat himself next to Mr. Grindrod, the latter with a gesture which strongly indicated the approach of great nuisance, a countenance scarcely human or divine & with an intonation of voice not soon to be forgotten, refused Mr. Bromley, the privilege of sitting by him. Finding his proximity to Mr. Grindrod to be insufferable, he removed to a salutary distance, and selected a situation among others of his brethren to whom his contiguity might be less annoying." This passage excited much laughter in the Court.)

On reading this passage, he (Sir W. Horne) had discovered why it was that his learned friend on the opposite side (Mr. Knight) had pronounced the name of the Rev. Edmund Grindrod with such peculiar emphasis. His client had infused into him something of his own spirit, which manifested itself in the very mentioning of Mr. Grindrod's name. (Here Sir W. Horne imitated to the great amusement of the Court, Mr. Knight's intonation of voice.) Now he, (Sir W. Horne) would not hesitate to maintain, from the Doctor's manner of describing Mr. Grindrod, that had the circumstances of the parties favoured the full manifestation of the Doctor's spirit, Mr. Grindrod would not have escaped so well as he had. He would put it to the common sense of all who read the Doctor's pamphlet whether, if the parties had been placed in some distant barbarous country, and the Doctor had been armed with a tomahawk instead of a pen, it was not probable that Mr. Grindrod would have received a stronger proof of the Doctor's feelings towards him.....The pamphlet went on to state, that Mr. Bromley was at length requested to withdraw from the meeting, when Dr. Warren uttered these memorable words, and retired with contempt from the meeting: "If my only witness, Mr. Bromley, be not permitted to be present during my trial, after all the unreasonable concessions which have been made, I do hereby solemnly declare I will not stand my trial before this meeting, come what will."

It had been stated by the learned Counsel on behalf of Dr. Warren that Mr. Bromley, whose assistance the reverend gentleman had sought and obtained at the District Meeting, had been ejected or turned out of the room for no possible cause, or for any obstruction that he had created to the proceedings of the assembly appropriated to try the

reverend Doctor on the charges alleged against him. What was the fact? Mr. Bromley was a gentleman not in any way connected with the District in question, but being a preacher belonging to the Wesleyan Methodist Society he was allowed, at the request of Dr. Warren to be present at the District Meeting, on the express condition that he should take no part whatever in the proceedings. Mr. Bromley, however, thought fit to interrupt the proceedings of the assembly by repeated and frequent communications with Dr. Warren, and also by taking copious notes of what was going forward. At length he was requested to withdraw to a distance from his friend the Doctor; and he (Mr. Bromley) then took the opportunity of whispering into the ear of one of the assembly, that the conduct of the parties who had taken on themselves to bring his friend to trial was, in his opinion, "most consummate cruelty." Now he (Sir W. Horne) could not imagine any thing more unseemly, more calculated to bring on the individual making use of such an expression the disapprobation of those persons who had allowed him to be present at their deliberations. What would be the feeling of the judge whom he had the honour of addressing, or any judicial functionary placed in a similar situation, if a party, who happened to have had the privilege of enjoying a seat on the bench, had been guilty of the folly and imprudence of whispering in the ear of the judge any expression calculated to impugn the justice or impartiality of the tribunal over which that judge had been appointed to preside? But what was the conduct of Dr. Warren after that gentleman had declined to be tried by the Court, whose authority in the first instance, he had not thought of calling in question? The Court having been in possession of the meek and christian spirit which breathed throughout this gentleman's pamphlet, and so distinguished his disinterested opposition to the wishes of 399 out of 400 members of the Conference, he would now read a resolution which was subsequently passed at a meeting where the learned Doctor himself presided. What did his Honour think was the resolution? Why, the rev. gentleman, who now came before the Court complaining of the harsh treatment which he had met with from the defendants, had thought proper to give his sanction and approbation to a resolution which was to this effect:—

"So deeply are we impressed with the awful risk of indecision in the present struggle, that after long and anxious deliberation, we are constrained to come to the conclusion, as a circuit, to withhold from this time, all supplies whatever, of money, except those of the weekly contributions at the renewal of the tickets, until the present important question, between the people and the Conference, be adjusted."

This short sentence at once unmasked the whole nature and object of the present struggle; and he now most unhesitatingly said, that however respectable Dr. Warren individually might be, and however sincere his opposition to the plans of the whole Conference, he had not come to the Court on his own funds; he was personally a mere cipher, a nonentity, a man of straw, technically speaking, the honest and undisguised question being, "Dr. Warren and the people, against the Conference." That was the "important question;" and the Doctor's plan to accomplish it was to "stop the supplies." Liberty from these tyrannical oppressors was said to be the aim of Dr. Warren, and though this must be admitted to savour very strongly of liberty, the Court would decide whether it was that gospel liberty which their pious founder inculcated, and for which he so jealously contended. Let the Court pause for a moment, and look at the direful consequences of the attempt should it unfortunately succeed. Much had been said of the awful effects

which would result from the arbitrary proceedings of the district court; but the consequence of stopping the supplies must inevitably be, that the superannuated ministers, the widows of ministers, who, after lives of great usefulness and benevolence, were now reposing in peaceful silence in the tomb,—and the helpless orphan, would have their only means of support torn from them, and must, in truth, be reduced to the painful alternative of bread and water, or starvation. He thought it necessary to go thus far into this part of the case, for the double purpose of showing from the publications what the real nature of the question was, and the necessity of looking into that part of the conduct of Dr. Warren which had been so carefully suppressed by his learned friends. This was in his (Sir W. Horne's) opinion quite sufficient to shew the *animus* with which the party of the Plaintiff had been influenced on the present occasion. It was more than probable, that had an individual, placed in the situation of Dr. Warren, calculated on the consequences that might possibly result, from the line of conduct that he had adopted, to the whole body of the community to which he belonged, that his Honour would never have heard of the dispute between these parties; but he (the learned counsel) was under the necessity of stating the Doctor's zeal had got the better of his prudence, and had led him to adopt a course, which, on calm and sober reflection, it was not to be supposed he would have thought of pursuing. And now when there was no question of temporal maintenance—finding now that it was a purely ecclesiastical question, would this temporal Court, upon such a record, and upon facts full of doubts, mix itself up with the spiritual concerns of this great Connexion, and set a precedent, the effect of which would be to destroy for ever the peace and union of a society hitherto unbroken and uncontaminated by litigation? The only possible benefit that could accrue to Dr. Warren from his success in the present instance, was the liberty to preach alternately in the two chapels in question for a space of some three or four months,—and this was to be put in opposition to the probable evil that a discussion of this question might bring on hundreds of thousands of individuals of the persuasion to which the reverend gentleman belonged.—He entreated the Court to pause before it attempted to interfere with the ecclesiastical jurisdiction of this body. The peace, the happiness, and the prosperity which had hitherto been enjoyed without interruption, when once broken in upon by a temporal power, was gone for ever.

To descend from the consideration of this question, however, as a spiritual one, and to grapple with it on the more familiar ground of legal construction, the constitution of the body, and the history of the founder, were well known to every body. The Court had been correctly informed, that during his life-time, John Wesley, (whose death, by a remarkable coincidence, happened on that very day forty-four years), exercised almost a supreme power; indeed, one of his learned friends had called him the Pope of Methodism; and although he (Sir W. Horne) would not admit the truth of the appellation when applied to his temporal policy, he was ready to admit that his scrupulous jealousy in spiritual matters was such as to justify the qualified application of such a term. This absolute dominion in spiritual affairs induced the whole Connexion to yield to his decision on all matters of discipline and doctrine without complaint; but upon his removal, as the Conference could not remain sitting all the year, it then became necessary to create a judicature which should do that which the Wesley did in the intervals between the Conferences, in regulating and enforcing discipline in the whole Connexion. Accordingly, at the first Conference after Mr. Wesley's death, this question was put, "What shall be done to preserve our whole economy as Mr. Wesley left it?" And the answer given is, "Let the whole Connexion be divided into Districts." It was evident that the Conference was here providing for the same maintenance of the entire economy of Methodism during the year, as Mr. Wesley's general superintendence had effected; and it was equally evident, that the Conference sought to accomplish this object by means of Districts. England was then divided into 19 Districts, Ireland into 6, and Scotland into 2; and each was subjected to a control which was set forth in the Minutes of Conference which took place in 1791. That was previous to the general plan of Pacification, which settled all differences; and he now contended, that from that period downwards the Minutes which had passed were still in force, and constituted the Statute-book of Methodism,—that the Minutes of 1791 had never been repealed by any subsequent law,—and that

under those Minutes the Court had been legally constituted, which passed the sentence of suspension upon Dr. Warren. The article of 1791 to which he referred was to the following effect:—

“The Superintendent of a Circuit shall have authority to summon the Preachers of his District who are in full connexion, on any critical case, which, according to his judgment, merits such an interference. And the said Preachers, or as many of them as can attend, shall assemble at the place and time appointed by the assistant aforesaid, and shall form a committee for the purpose of determining concerning the business on which they are called. They shall choose a chairman for the occasion; and their decision shall be final till the meeting of the next Conference, when the chairman of the committee shall lay the Minutes of their proceedings before the Conference. Provided, nevertheless, that nothing shall be done by any committee contrary to the resolutions of the Conference.”

This law was unnecessary during Mr. Wesley's life-time; but upon the division of the country into Districts, it became necessary that a Jurisdiction should be created in each District until the Conference should assemble, and that then the decision of the District Committee should be either affirmed or annulled. He admitted that nothing could be done by the District Committee in contravention of any article of Conference, but he boldly asserted that no article of Conference or subsequent law could be found to clash with this Minute. The assistant was to summon the Preachers; the Preachers were to form the Committee, choosing a Chairman from among themselves; and their decision was to be final until the next Conference. And such a course appeared inevitable from the very constitution of Methodism, for the Conference could not be always sitting, or the duties of the principal members of the Connexion who composed it must be neglected. The Conference, therefore, not being sitting when Dr. Warren's case arose, the District Committee proceeded very properly to take cognizance of the case; and in this way the Local Court was constituted, at which the proceedings against the plaintiff took place. This formed a key to all the subsequent proceedings. It would not be contended that during the life-time of John Wesley he did not possess power to suspend and silence country Preachers; and at his death, as that power must reside somewhere, it was given to the District Committee. Then let the Court look at what took place in 1792: the principle was followed up by a declaration that the Chairman himself should be deposed by the same Committee if he should be guilty of any crime. The article (after laying down some regulations for the management of Districts, and the trial of Preachers), was as follows:—

“If it appear on just grounds to any Superintendent, that the Chairman of his District has been guilty of any crime or misdemeanor, or that he has neglected to call a meeting of the District Committee, when there were sufficient reasons for calling it, such Superintendent shall have authority, in that case, to call a meeting of the District Committee, and to fix the time and place of meeting. The Committee thus assembled shall have power, if they judge necessary, to try the Chairman, and, if found guilty, to suspend him from being a travelling Preacher till the ensuing Conference, or to remove him from the office of a Superintendent, or to depose him from the chair, and to elect another in his place.”

Now, if his learned friends admitted the power to reside in the District Committee in the latter instance, they were compelled to admit the possession in the former; for it was a curious sort of logic to say that the District Committee should have power to try the Chairman of the District, and not the subordinate or lesser office of a Preacher. These laws were certainly passed before the general plan of Pacification, but they were not affected by it; for no one would pretend to say that by non-usage any statute of the realm became repealed.—The learned gentleman then proceeded to comment on the Articles of Pacification. About the years 1794 or 1795, when the public mind was considerably agitated on subjects of religious reform, the lay members of the Wesleyan Methodists entertained an idea that they were not properly represented, or, to speak more correctly, that their interests were not sufficiently attended to by the clergy of their persuasion; and they, therefore, requested to be allowed to have a voice on the subjects brought under the consideration of the various District Meetings. The Articles of Pacification of 1795 admitted the lay members, viz. the stewards, the trustees, and the leaders, to a participation in the adjudication of such questions as were brought under the consideration of the District Committee; but those articles did not destroy or do away with the existence of the District Committee for the cognizance and adjustment of all such matters as had been theretofore brought under its consideration. So far from this being the case, the Conference, or supreme governing body of this Society, had, in a great variety of instances, confirmed the decisions

of the District Committees, and suspended those individuals whom the District Committees had thought unworthy of longer fulfilling the office of pastor of their persuasion. He then referred to the Minutes of Conference of 1797, subsequent to the Plan of Pacification which was circulated through the Connexion in the form of pastoral letters, and contended that the intention of the Founder and the whole body of Methodists had always been to consider the Minutes of Conference as the statute law by which all temporal and spiritual matters were to be governed, and that by such law the District Committee had been properly erected into a tribunal, by which Dr. Warren had been legally suspended, and that the law by which the District Committee had been instituted remained unaffected to the present hour by any succeeding statutes or decisions of Conference. He would allude to one more important feature in the case. It was stated on the other side that this was the first instance of such an exercise of power by the District Committee, except for offences against morality. But it could be shown, on the contrary, that, in no less than from seventy to eighty instances, specified in the affidavits of those persons who had given testimony in favour of the defendants, the Conference had, in every single instance, either moderated or approved of the sentence which had been formed by the District Committee. It therefore could not be argued successfully that the Articles of Pacification of 1795, although they created a new tribunal for the trial of certain offences, did in effect do away with and abolish the previous regulations of the Society, authorising the District Committee to adjudicate and take cognizance of the various matters brought under their consideration.

Then how was it to be contended that the meeting before whom Dr. Warren was cited, was an illegal assembly? Was it not constituted according to the express provisions of the rules and regulations of the Society? Had he not submitted to it in the first instance, without at all pleading to its being an incompetent jurisdiction? He had, in fact, submitted himself to its jurisdiction, and expressed his willingness to stand his trial, when the circumstance of Mr. Bromley being desired to withdraw from the room for an act of great indecorum, caused him to make the extraordinary declaration, that in consequence of his being left without any adviser or assistant, he should not submit himself to the jurisdiction of the tribunal, and should dispute their competency to adjudicate on any offence of which he was alleged to have been guilty. With respect to the question of jurisdiction, he (Sir W. Horne) denied, with great deference, that the Court of Chancery had any jurisdiction to adjudicate on the question now brought before it. Was it to be said, that after a practice of forty years, during which there had been upwards of seventy cases of suspension for similar errors and misconduct to that of which Dr. Warren had been guilty, that the Court of Chancery would take upon itself to overturn all that this respectable and numerous body of Dissenters had felt themselves authorised in doing, in instances where the Conference, the supreme power, had invariably approved of what the District Meetings had performed. Was the Court now to be told, on the evidence of Mr. Moore, that this was not the meaning of the constitution?—or, after all this acquiescence in, and acting upon, the decisions of the District Committee, could that Court be called upon to interfere? Had this Committee tried and acquitted Dr. Warren, and had the Trustees then proceeded to try him according to the Articles of Pacification, would it not have been justly said that the case had been decided by the proper tribunal, and the Trustees had no right to interfere? Was his Honour a Methodist Judge? A court of competent jurisdiction had given a decision; or, if it had not jurisdiction, then that complaint was ground of appeal to the Conference. He could not help characterizing the whole proceeding as a wanton, dangerous, and unnecessary experiment, calculated to subvert the peace, harmony, and benevolent feeling of this communion of Christians, having for its object to gratify the personal views of a single individual, who could derive no substantial benefit from it, and ultimately tending to destroy the happiness and prosperity of a vast body of Christians, who have remained in one unbroken link since the period of their foundation. In conclusion, he trusted that his Honour would pause before he took on himself to do away with all those decisions to which a religious body so constituted as the Conference of the Wesleyan Methodists had come to, and with which decision he humbly, though respectfully submitted the Court of Chancery had not the jurisdiction to interfere.

Sir William Horne's argument occupied four hours and a half.

Mr. ROLFE followed on the same side, and after premising that he concurred with Mr. Knight that this Court was not to refuse to exercise its jurisdiction because the subject-matter of the motion was of a religious nature, said, he did not mean to say there was no jurisdiction in this case, although it was one very difficult to exercise from the peculiar nature of the subject, so foreign from the usual business of this Court. He then entered into a history of the transaction, which, however, did not materially vary from what has been already stated; although he admitted that with the propriety of what had taken place towards Dr. Warren, or with the correctness of his conduct in return, the Court had nothing to do. He merely adverted to those facts which occurred preliminary to the publication of the pamphlet, for the purpose of making the remark that it struck many of Dr. Warren's methodistical brethren, to use Dr. Warren's expression, that the publication of that pamphlet was most injurious to their society, and in consequence it appeared from the affidavit of the defendants, that some of the preachers, at the desire of their brethren, waited upon Dr. Warren, to state to him their deep conviction of the immense amount of the evil which his publication was likely to produce, and to request that he would, if possible, suppress its further circulation. To all their entreaties and expostulations on this subject, his answer was, "I have not published that pamphlet without deep thought, and I can enter into no engagement to suppress it." When the chairman, in reply to this declaration, said, "Then, Doctor, you will compel us to take proceedings which will be very painful to us," he answered, "He was aware that they must take the usual course." Other passages were also read, and it was contended that Dr. Warren was aware that that course was to convene a district committee.

Mr. KNIGHT asked Mr. Rolfe, could he show that it was intimated to Dr. Warren what was the object of the District Meeting—what sentence they proposed to pass should they find him guilty?

Mr. ROLFE contended it appeared plainly from the details of what occurred concerning the District Meeting, that Dr. Warren was aware of the power it claimed, and that he, in fact, submitted to the jurisdiction from which he had no subsequent pretence to withdraw, in consequence of Mr. Blomley's being compelled, however discourteously, to retire from the trial. The sentence, too, it was contended, was the only one which could have been made under the circumstances. The learned counsel then insisted that this Court would be slow to exercise the jurisdiction now asserted, considering that the utmost extent over which its power could reach was a period of nine months, till the Conference should meet. It was of no importance to the public whether there were nineteen or twenty preachers on this circuit; there were enough to do the pastoral duties. And if it was asserted the object of this proceeding was to remove any disgrace that might attach to Dr. Warren from the decision of the District Committee, the reversal of that decision, if unjust, by the Conference would shortly turn that odium on the unjust tribunal. It was necessary to repeat again what happened to excite a smile from the ludicrous application of a word, when it was alluded to by Sir William Horne, but what in truth was a most serious and important thing to all the Methodists. His Honour must be informed that the supplies which it was proposed to stop amounted to 60,000*l.* a year, which was distributed in small sums of 10*l.* or 20*l.* to the widows and children of the ministers. Now the Learned Counsel denied the jurisdiction of the Court to inquire into the propriety of the conduct of the District Committee; but he submitted that the sort of language used in that resolution, upon which Dr. Warren stamped the authority of his approbation,—such conduct gave a colour to the propriety of the decision of that tribunal concerning that gentleman. The question, however, here to be decided was, whether Dr. Warren had ceased to be one of the preachers of this chapel, appointed by the Conference. The Learned Counsel meant to dispute the two propositions which had been laid down on the other side. Either that tribunal which suspended Dr. Warren was not conformable to the regulations of the Conference, or its proceedings were invalid if it was not conformable. He then cited the various minutes of Conference already given, and contended that they must be interpreted with very great latitude, and that the present case came within the provisions of the first two minutes. That the mixed tribunal which was created by the Articles of Pacification as a boon to the laity, did not take away the authority of the District Committee, inasmuch as the former had jurisdiction only in four particular cases of offence, whereas the authority of the latter extended to every species of impropriety. The practice, too, had been consistent with this interpretation :

there are at least sixty or seventy cases of similar acts by this tribunal. It is said they are cases of gross immorality; but although that allegation could not be entered into in the presence of the audience assembled in the Court, of this there was no disputing, that these cases had been confirmed by the Conference. Mr. Moore had been suspended by a District Committee, because his interpretation of the will of Mr. Wesley, and of his rights under it to occupy a house, differed from that put upon this instrument by his brethren, who considered Mr. Moore was morally and methodistically obliged to submit to the regulations of the Conference in which these proceedings were considered. There had been then uncontradicted usage, and, it was contended, perfect conformity in support of this tribunal. But, supposing this were not so, the Court would go any length in presuming a lawful origin for this authority, Lord Coke observed, that in favour of long usages he would presume an Act of Parliament; and the Learned Counsel called upon the Court, if it were necessary, to presume a bye-law of the Conference, a bye-law which it had clear power to make—such was its omnipotence—even by parol in support of this jurisdiction, and to reject this application for the interference of Chancery in the spiritual affairs of a community of not less than nine hundred thousand persons, who were awaiting with anxiety the result of his Honour's judgment.

It being past five o'clock, the cause was adjourned till to-morrow.

TUESDAY.

The argument of this case was resumed at the sitting of the Court. Mr. PIGGOTT said, that before he proceeded, he thought it proper, in order to counteract any false or unfavourable impression; which might have been made upon his Honour's mind by a partial and defective statement, to say, that the words alleged to have been used by Dr. Bunting concerning Dr. Warren, in the Committee which met in July, before the last Conference, had been most unfairly, because imperfectly, represented. In remarking on Dr. Warren's sudden and unaccountable hostility to the project of the Theological Institution, of which he had formerly been one of the most zealous advocates, Dr. B. said, "This is the most unprincipled opposition I ever knew;" he (Dr. B.) *immediately, and of his own accord*, adding, by way of qualification, "*I speak advisedly; I do not mean bad principled; but without principle,—without any fixed principle,—not based upon any public principle.*" Nor was it true that there existed any *personal* quarrel or hostility to Dr. Warren on the part of Dr. Bunting. The language, also, alleged to have been used by Mr. Newton to Dr. Warren, in reporting to him the general feeling as to the motives of Dr. Warren's opposition, was used *in private*, to Dr. Warren alone, and was fully justified by the previous intimacy of the parties. He said the course which had been adopted by Dr. Warren was equally unfortunate and ill-advised, and not calculated to obtain any temporal benefit to himself, inasmuch as his salary would be paid to him until the decision of the next general Conference should be known. His only object, therefore, was to get possession of these particular pulpits for the period of a few months, and to promote his general views of opposition and agitation, to the destruction of the harmony and peace of the whole of the connexion. The learned counsel then proceeded to show that Mr. Wesley had contemplated legal proceedings in spiritual matters with horror, and related to the Court an anecdote of that Rev. gentleman's visit to a dungeon, on which occasion he was said to have uttered these words:—I have seen that monster a Chancery bill, and now,

for the first time, I have beheld its fellow,—a declaration.” (Laughter.) He also instanced a case of legal dispute at Dewsbury, where Mr. Wesley was represented as having given expression to similar sentiments. It had been said elsewhere, that the hair of an old Whig would stand on end, were he alive to view the proceedings of modern times; but he could not help thinking that could the pious and excellent founder of this Institution have been alive to view the spirit and intencion of this suit, his venerable and flowing locks would have threatened the ceiling with its bristled erection. (Laughter.) He next detailed, in order, the various minutes of Conference which had been passed since the period of the foundation, commenting on the object and tendency of every one that had reference to the present case, and submitted that the true construction of them was to show one uniform intention to support the original determination of the whole body on the division into Districts, that the District Committee should possess the power to suspend a Preacher for causes assigned until the next Conference should take place. The affidavits of several aged and eminent Preachers in the Connexion, who had been members and presidents of the Conference, and had been Preachers for upwards of forty years, were read then to the Court, severally stating that the object of the general Articles of Pacification of 1795 were intended to settle the disputes that then prevailed in the Connexion on the subject of the Ordinance of Baptism and the Lord’s Supper; but there was no intention by the 5th article “concerning discipline” to alter the established and acted-upon jurisdiction of the District Committee to suspend a Preacher within their own particular District. They also strongly expressed their unanimous opinion that the construction put upon that article by Dr. Warren, as appeared from his pamphlet, was entirely at variance with the real and manifest intention of those who passed those articles. The Court should be informed that from the year 1795 to the present time not a single dispute had arisen on those articles. The present was, indeed, the first, and the only instance in which there had been a refusal to submit to the acknowledged and exercised authority of the District Committee on occasions like the present. Evidence was next adduced to show that between seventy and eighty instances of suspension had taken place by the tribunal that had removed Dr. Warren, and in particular the case of the Rev. Mr. Moore was relied on as a precedent. It was in every respect similar to Dr. Warren’s case, and was one in which the Doctor himself, as well as the celebrated Dr. Clarke, had, as members of the Court, sanctioned the order of suspension. The fact that this authority had been frequently exerted was manifest from Dr. Warren’s own pamphlet. Lest he should be accused of giving a garbled extract, he would read the whole passage:—“A third expedient employed to keep up the appearance of constitutional proceeding in my suspension is an appeal to the usage of the Connexion. When it is asked, with an air of triumph, ‘has any Preacher been suspended conformably to the method prescribed in the general Plan of Pacification, is it not the uniform practice of District Meetings to arraign, to try, to suspend Preachers by the sole and exclusive authority of the Preachers?’ That such has long been the practice it is impossible to deny.” There was distinct admission of the usage, the remainder of the passage was merely opinion:—“And that the practice is contrary to the law of the body is equally certain. This, there-

“fore, is one of the evils which negligence has allowed to grow into pernicious custom, against wholesome law and Christian liberty.” The learned counsel then read affidavits to show what the conduct of Dr. Warren had been subsequent to his suspension. They stated, that on the Sunday after his suspension “he preached at Blackburn, and on the following Sunday, (November 2d) at Dudley, though in the latter instance he was expressly forbidden so by the Superintendent of the Circuit, once by letter previously to his leaving Manchester, and twice in person after his arrival at Dudley. He has also availed himself of an irregular communication from one of the Trustees of Wesley Chapel, (Oldham-road, Manchester,) to occupy the pulpit of the chapel two Sundays in succession, viz., November the 16th and 23d, in spite of an express prohibition on the part of another Trustee, and in defiance of a claim made in each case, that the pulpit should be occupied by a Preacher under the authority of Mr. Newton; and by the excitement connected with the well-known fact of his contumacy he has indirectly caused the most disgraceful outrages on Christian decency and order. He has, ever since the period of his suspension, presided at a weekly meeting of Leaders held in a Sunday-school-room, (Tib-street,) in opposition to the regular weekly meeting of Oldham-street, and has encouraged Leaders to pay their class-money at that opposition meeting. He occupied the chair at a meeting called ‘the Adjourned Quarterly Meeting of the First Manchester Circuit,’ and at that meeting admitted, and sanctioned propositions and resolutions contrary to the existing and established laws of the connexion. He further attended a meeting held in David-street Sunday-school, and if he did not sanction at that time, yet he has subsequently sanctioned, in a variety of ways, resolutions which recommended the withholding of support from the missionary, contingent, school, auxiliary, and chapel funds. He has also sanctioned and aided the establishment of an association called the ‘Grand Central Association,’ the object of which is to compel the Conference to submit to intimidatory and factious agitation. He has, moreover, expressly sanctioned sundry statements contained in certain newspapers, which are at variance with the truth, and which involve injurious and unmerited reflections on certain members of the District Committee, and others of his brethren.” The learned counsel concluded by contending that the conduct of Dr. Warren fully justified the proceedings which had taken place, and that the only way to put an end to the agitation which he had created among the Connexion was for the Court to sanction the decision of the District Committee by refusing the present motion.

Sir C. WETHERELL then rose to reply. In this very important case it was his anxious wish to confine himself to such narrow limits as were compatible with the faithful discharge of his duty to this most numerous and respectable class of the community. This question had been argued by his learned friends upon an assumption that it was entirely one of personal feeling, and that no other individual than Dr. Warren was interested in the decision that the Court should pronounce. But his learned friends were very much mistaken. The contest was not reduced to the narrow compass of the mere personal interest and character of Dr. Warren, but involved the interests of the whole Wesleyan body; the question being no less than whether a self-constituted and illegal forum of clerical members only, had

or had not, having regard to the laws and usages by which the body was governed, a legal right to suspend a preacher who had been regularly, duly, and constitutionally appointed by the general Conference to discharge the duties of a minister to all the chapels that fell within the circle of the district to which he had been so appointed. So far from being a limited or contracted question, merely relating to one person, it embraced the whole system of order and government of a body of people comprising in the United Kingdom, he might say, not less than a million of souls. The chapels at which the members of this religious persuasion attended had been founded, and were kept up by the voluntary contributions of the lay members of the union, and he supposed the clerical members might contribute if they particularly desired. (A laugh.) The ministers' salaries were paid out of these contributions, and the widows and orphans of deceased ministers were supported by the fund; therefore it was obvious, if this self-constituted forum possessed the uncontrollable power to suspend any minister against whom they entertained a personal pique without the intervention of any single lay member, the whole funds were *de facto* at the mercy of the same clerical tribunal. Why, so far from being a question whether Dr. Warren should remain a few months longer in the pulpit, it was stated in the affidavit of a respectable gentleman named Smith, that no less than 40,000 members of the society were determined to oppose the tyranny and encroachments of the preachers upon the rights conceded to the people in the years 1795 and 1797, and that the number is anything but diminishing. He would ask his learned friends, was Dr. Warren's character in no degree affected by the suspension? Was the disgrace of being thus pitched out of this district nothing? Suppose his learned friend was a Governor of the Bank, or an East India Director, and intended to separate himself from the establishment in the course of a few months, would it be very satisfactory to his feelings to be told, "Oh, never mind being kicked out, you know you intended to have left us in the course of a short time, (A laugh) or to be shoved out from this house, and told that the expiration of the term would not be very long? (Laughter.) The argument was too absurd to encounter. He thought the body had done perfectly right in thus asserting their power to have this important law of their constitution established and defined. He might say by analogy in the Church of England an ecclesiastical tribunal existed for the cognizance of offences committed in matters relating to the Church, but there were certain cases in which there was a check upon their proceedings by the laity. The principles of Methodism, which were very nearly those of the church of England, had likewise very properly determined that the lay portion of her community should have a control in certain matters specified. In the Established Church, the pulpit and the reading desk of a clerk regularly appointed became his freehold, or his chattel, or he had a right *quamdiu se bene gesserit*, and he presumed, in this institution the title of a preacher was upon the tenure he had last mentioned. If, therefore, a Wesleyan preacher had been properly selected by the Conference to a particular district, why had he not as good a title as any rector had to his presentation, so long as he complied with the conditions on which it was held? Dr. Warren drew his title from the provisions of a deed, he was duly appointed by the Conference, his title was strengthened by the statute laws of the

body, and the Articles of Pacification, (which might be called the Bill of Rights between the preachers and the people); and, in opposition to all this, the self-constituted forum, the Star Chamber authorities, say, "Oh, but we have an oracular law, a law founded on pastoral letters, addresses, commentaries, reminiscences, *scholia*, or blue books and red books, gloss, comment, and observation," forming a sort of pamphleteering authority, (Much laughter,) by which the Doctor's title was to be made a dead letter. The proposition he submitted to the Court was, that usage could not be adduced to contradict the provisions of a deed, but merely extrinsically, for the purpose of explaining it. This rule was stated by Mr. Phillips, in his Law of Evidence, to be applicable to nearly all cases of construction, and undoubtedly it applied to such a case as the present. The learned counsel then recapitulated the arguments he had made use of in his opening address upon the effect and adaptation of the several articles of Conference that had passed since the year 1791, to the case of Dr. Warren, contending that none of them created a power of suspension in the district committee. Before he quitted the subject of usage, he would make one observation. His learned friend (Mr. Rolfe) had quoted the authority of a very eminent lawyer for saying, that the power of usage was so great that an act of Parliament might be presumed from it. Lord Eldon, too, was as eminent a Judge as had ever sat in that court, and he said that he hardly knew what was meant by the expression. The great Lord Camden, also, in the celebrated case in which it was alleged that the Secretary of State possessed a power to seize upon papers under peculiar circumstances, had laid down the rule, that if the act to be done was an illegal act it could not be altered by prescription or usage, though it had been previously found by the grand jury that a seizure of papers by the Secretary of State had been established on precedents for more than a century. That eminent judge decided that the submission of any number of persons to the usage or precedent which had so long existed did not necessarily bind others to submit to it. It had been said that Dr. Warren could not complain of the decision of the District Committee, because he himself had been present at a meeting where the same power had been exercised against his friend Mr. Moore, but he denied the principle that a man must be taken to have voted at a meeting because he was present and did not happen to record his dissent by putting the question to the vote. He (Sir C. Wetherell) had been present at many public assemblies where resolutions had been come to that he should have been sorry to have it considered he acquiesced in. (Laughter.) The learned Counsel concluded his address by commenting at considerable length on the pamphlet which had been read to the Court by Sir W. Horne, arguing that the provocation which he had received from Mr. Bunting was much more censurable than the expressions contained in the publications it had occasioned, and that at most it only amounted to those *rixæ* which frequently happened between ecclesiastical gentlemen, which would have been considered unworthy the notice of the visitor.

THE VICE-CHANCELLOR'S JUDGMENT.

The VICE-CHANCELLOR then proceeded to give his judgment. He said, this case had been argued with very great ability on both sides, and he thought so with good reason, because he did not concur with the observa-

tions that Mr. Rolfe made, that the question was of a trifling nature; he did not think any question was trifling which concerned the well-being, perhaps the existence, of a body such as that which the Wesleyan Methodists constituted. To that body, it was a fact, that we were indebted for a large portion of the religious feeling of this country, and a great portion of that in other parts of the world; and when it was recollected that the body itself owed its existence, or first formation, to an individual so distinguished as the late John Wesley was, and that from time to time there had arisen out of that body many a man as highly distinguished in mind as could be found in any body of men,—for instance, he would name (one for all) the late Dr. Adam Clarke,—no person, who could have any understanding of what religion is, or regard for this sect, could do otherwise than look upon the Wesleyan Methodists with the most affectionate concern. The question before him was, whether this Court ought to interfere in a case in which the Trustees of a chapel had virtually excluded Dr. Warren from that chapel, to which he was unquestionably appointed in a lawful manner. It was said, this Court had no jurisdiction in such a case; that was a point to which he could not accede, as it appeared to him, from the deeds themselves, which had the effect of making certain persons Trustees for the chapel, for certain purposes, that a trust was unquestionably created,—and he did not know why, because the trust affected certain persons of a voluntary society, it was not to be regarded by this Court as any other trusts in the common concerns of life would be regarded. His own opinion was, that the persons were called Trustees in the strict sense of this Court, and, therefore, had a legal dominion over those chapels, but yet had the power to hold them, not for the benefit of themselves, but for others on whose account the trust was constituted. In such a case, this Court must, of course, exercise a jurisdiction as well as in other cases. Then he must consider whether, under the circumstances of this case, it were right that the Court should interfere; and it was to be observed, that these trust deeds, according to his apprehension, were to be considered not merely with regard to the words contained in themselves, but they must be considered in connexion with the laws as part only of the machinery by which the whole body of Methodists, amounting, it was said, to nearly a million, was kept together, and by which Methodism itself was carried on. He thought he should be taking a very narrow view of the case if he were merely to look at the words of the deed, or that he might not consider, from the nature of the thing, whether some circumstance extrinsic of the deed, must not be taken into consideration. He must take into view the principle laid down by Lord Eldon, in a case which he had formerly occasion to refer to,—he meant the case of the Duke of Bedford's tenants and the British Museum. It was there contended by the plaintiffs, that the persons who represented the British Museum were bound by written and express covenants, contained in a deed, by which the property then in question became severed from some members of the Bedford family 150 years before the question arose. There was no doubt that those things complained of by the plaintiff fell within the strict terms of the covenant, yet Lord Eldon thought, that in order to decide it fairly, before the Court should interfere, he must regard, not only what was in the deed, but the circumstances under which it was made, and the implied agreement and understanding

between the parties, although not one word of it appeared on the face of the deed itself. Now, in the present case, the Rev. John Wesley, having instituted Methodism, and given rise to the Society called Methodists, it appeared that in 1781 the first deed was made which regarded the (Oldham-street) chapel to which the plaintiff, Dr. Warren, belonged; and that deed being made in John Wesley's lifetime, he conveyed the tenements in question to certain Trustees, upon trust, "that they and the survivors of them, and their heirs and assigns, and the Trustees for the time being, should permit and suffer John Wesley, and such other persons as the said John Wesley should for that purpose from time to time nominate and appoint in like manner, during his life, to have, use, and enjoy the said premises respectively, for the like purposes as aforesaid; and after the decease of the said John Wesley, then upon further trust, that the said Trustees, and the survivors of them, and the Trustees for the time being, should permit and suffer such person and persons, and for such time and times as should be appointed at the yearly Conferences of the people called Methodists, in London, Bristol, or Leeds, to have and enjoy the said premises, for the purposes aforesaid." Then it imposed upon the Preachers certain provisos, as to the doctrines which such persons should preach; and then there was a particular proviso upon which a great deal of observation had been made, namely, that if any person so appointed to preach, should, in the judgment of the Trustee or Trustees for the time being, be deemed an unfit or improper person, and the Committee of Conference should not appoint another in his stead, within two months after a regular notice, containing their reasons, then it shall be lawful for the Trustees to appoint such other person as they shall think fit, until the next Conference. Now, that was a power in the nature plainly of an executing power,—that was a power given to the Trustees; but that deed did not contain anything which put in terms any obligation upon the Trustees, in case they thought the person improper, to permit him to enjoy the chapel. He did not see anything in that deed of that nature, nor anything beyond what could be inferred from the first part of the deed, which was generally creating the Trust; but it struck him, that if the Trustees should conceive, in fairly exercising their opinion of the individual, that, in consequence of the act committed, it became necessary to interfere immediately, and prevent such person from preaching, then the deed gave them the power to take the course prescribed by it. The course prescribed, in the first instance, was to give the Committee of the Conference a power to appoint a substitute, and in case they did not exercise that power, then there was an express power given to the Trustees to appoint a substitute. Then there was the deed of 1826, (the Oldham-road Deed), which was long after the death of Mr. Wesley, and after certain Minutes which had taken place in the years 1791, 1792, 1793, and 1797, which had been so much the subject of observation. By that deed, the trustees were to permit the chapel to be used and enjoyed, for the purposes of religious worship, for the service of Almighty God, by the society of people called Methodists, late in the connexion with the late John Wesley, and for that purpose to suffer such persons as should be appointed by the Conference, and no other person or persons whomsoever, except as after provided, to have the free and uninterrupted use of the chapel. Then there was a proviso as to the moral cha-

racter of the party so appointed being unexceptionable; and that he preach no other doctrines than those of Mr. Wesley, described in the deed of 1781. Then it was provided, that in case the Trustees thought he was immoral, or deficient in abilities, or erroneous in doctrine, or had broken the Rules of Pacification concerning the Lord's Supper, the Trustees for the time being should proceed according to certain rules laid down: that was a rule amongst those regulations he had already referred to. Now it was observable, therefore, that this deed did, in a general way, refer to the use of the chapel for the purpose of religious worship, and for the service of Almighty God, by the society of Methodists. There was a circumstance which he conceived was not to be kept out of sight, in commenting upon the deed, and the duties of those who were to exercise the Trusteeship under the deed. Now he must consider that it never was intended by the parties who have continued to belong to the Methodist Society in succession, since they were appointed, that there should be anything but one general object pursued, otherwise, perhaps, than what might be mere by-laws and rules of a local kind; but that it was the object of all the parties to form one body, to be governed by one set of laws. Then the parties who were appointed under the deed of 1781, must look into the rules then existing for the manner in which they were to execute their trust; but it appeared to him that if, in the progress of time, the parties who were trustees for the time being, 1781, received into their chapel the person who was appointed by the yearly Conference to preach, they must take that person and deal with him, not merely upon what was the general expression in the Trust Deed, but they should conform to all the rules since from time to time enacted by the Conference, which all parties admitted to be the supreme legislative and executive body, and which were since then actually regulating the Connexion. Now, with regard to the right of the District Court to dismiss a preacher who was appointed by the yearly Conference, it appeared to him to be subject to some doubt. When it became necessary, by the death of John Wesley, who, during his lifetime, exercised an unlimited power and control over all the affairs, both spiritual and temporal, of the Society,—his death having put an end to the exercise of that power,—when it became necessary to consider in whom that power should be vested, the Conference met together in 1791, when it was agreed to separate and divide into districts England, Ireland, and Scotland, and then the Conference framed the rule giving to the assistant or president of a district, power to summons the preachers of the district who are in full connexion, on any critical case, which, according to his judgment, merited such an interference; and the said preachers, and so many of them as could attend, should assemble at the times and places appointed by the assistant, and should form a Committee for the purpose of determining the business for which they were called. They should choose a chairman, and their decision was to be final until the next meeting of the Conference, when the chairman was to lay the minutes of the proceedings before the Court; provided, nevertheless, nothing was done contrary to the resolutions of the Conference. In 1792 that rule was altered by giving the chairman authority to call a District Committee, but the chairman was not to interfere with any other Circuit but his own. The chairman was to send a copy in writing of the charges to the accused, and

he was to summon the preachers of the districts to attend. In 1793, another alteration was made relative to the case in which the chairman himself might be the party accused ; in such case he and his accuser were each to choose two clergymen of the district to form a Court. His Honour then read the 5th of the resolutions of 1794, to this effect :—" It is agreed that "the management of the temporal and spiritual concerns of the society "shall be separated as far as the purposes of peace and harmony can be "answered thereby, or as they have ever been separated in times of the "greatest peace and harmony, viz.,—1. The temporal concerns shall be "managed by the Stewards chosen for that purpose, &c. 2. The spiritual "concerns shall be managed by the Preachers, who have *ever* appointed "Leaders, chosen Stewards, and admitted members into, and expelled "them from the society, consulting their brethren, the Stewards and "Leaders." This passage, his Honour observed, seemed to reserve to the ecclesiastical part of the Connexion the fullest powers over ecclesiastical concerns. His Honour then read the Articles of Pacification of 1795, in which, he said, it was obvious the thing mainly had in view was the subject matters then in dispute in the society concerning the administration of the Lord's Supper, Baptism, &c. It was made a question whether the 5th of the regulations as to discipline, that "No Preacher shall be suspended or removed from his Circuit by any District Committee except "he have the privilege of the trial before-mentioned," applied to all cases of suspension and removal, or to those cases only which occur in the document where this passage is found,—that is, the four cases of a preacher being "immoral, erroneous in doctrine, deficient in abilities, or that he has broken any of the preceding rules." These were the four cases in which the laity, in conjunction with the preachers, were given jurisdiction over the ecclesiastics. It appeared to his Honour that the passage could only be interpreted by referring it to those four cases. The mode of construction which would render this passage applicable to every case, was contrary to the received construction and application of the English language, and involved the blunder of giving by implication at the end of these rules a general power to the new tribunal of laity and clergy, whereas that power in the very outset was restricted to four enumerated cases—a blunder which no intelligent person competent to use the English language upon any subject could commit. His Honour then referred to the collection of Rules which the Conference in 1797 had individually subscribed, and which had been subsequently published in a separate pamphlet. This "Code of Laws," confirmed the view he had given, that the Plan of Pacification did not supersede the regular District Committee, for it contained the resolutions of 1791 and the two or three succeeding years respecting District Meetings ; and he commented on some slight alterations in their phraseology as evidence of the care which had been bestowed in harmonizing them. He then showed that the passage in the Address of 1797, on which stress had been laid, did not mean that the Conference had set aside the District Committee in spiritual matters. Instead of this, the Conference had made, at the same time, additional regulations for the express and avowed purpose of making the District Committees "more effective" for managing in the intervals of the Conference, the spiritual and ecclesiastical concerns of the body. His Honour continued—Then the question comes to this

Whether there did exist a case in which fairly and lawfully the District Committee had the power to interfere? If I understand the affidavits correctly, supposing there were a case made out that justified their interference, then there could not be any departure from the terms of the regulations, and every thing done by the District Committee must be considered as a lawful proceeding. There was a complaint made by a particular individual. It was put into writing, and sent to the party accused. The President of the Conference was sent for, and the persons competent to form a District Committee were assembled with him. It really appears to me, that although this Court does exercise a jurisdiction over any particular trust that this Court cannot exercise any jurisdiction in the nature of an appellant jurisdiction over a local court of a voluntary society which shall be managed, on certain matters, by a local court, and I therefore do not think, that I am at liberty to say, if I thought the District Committee had acted wrong, that all they have done is a nullity, because I happen to differ from a Court over which I have no jurisdiction. But I must say, that I cannot think the proceedings of this District Committee, are justly subject to the vehement charges that have been adduced,—I do not think that any such violence or tyranny as was charged has been, in any respect, made out. Had there been any thing in the shape of a legal fraud, we should of course have been able to discover it; but none such seems to have existed. It is to be observed, that the matter which attracted the notice of the parties opposed to Dr. Warren, was the publication of a certain speech, which I have now before me, and which it is not immaterial to consider when we recollect that it is a part of the complaint against the District Committee, that they excluded Dr. Warren's witness from the room during the discussion,—one is almost inclined to exclaim, in the language of a tribunal which was very much prejudiced, "What need have we of any further witness?" because they had the publication before them which Dr. Warren never attempted to deny. I am extremely unwilling to make any observation on a person who had he belonged to the established church, I might have almost considered in the light of a father; and whom, belonging to the persuasion that he does, I must still reverence and respect, on account of the very high character which he has always so deservedly borne; but called on to exercise the judicial functions of a judge, I must speak without respect to persons, and must say, that this speech of Dr. Warren's appears to me to contain passages which, whenever a cooler moment arrives, and Dr. Warren shall be enabled to reflect calmly and seriously on what it contains, he will be seriously sorry that he has committed to paper. The sole and principle object of the late John Wesley was, by means of a society, voluntarily attached to himself, to set forth such an example of unblemished and superior meekness and humility as could only emanate from the purest principles of the Christian religion. Independent of the suggestions and exhortations of that eminent divine, on this subject, every preacher of the Wesleyan Methodist Society must be aware, that among the class of persons whom the great Redeemer of mankind had declared should be excluded from the kingdom of heaven, the reviler was expressly named. Now it appears that Dr. Warren published a pamphlet respecting the Wesleyan Theological Institution, in the beginning of which, he uses these words:—'I think it my duty to give the body generally an opportunity of examin-

ing the validity of the grounds on which I opposed this measure ; to record my protest against it ; and at the same time to set myself right with those who have received impressions artfully circulated to my disadvantage, for the purpose of prejudicing my cause, and rendering my statements unavailing." Then again :—"Towards the conclusion of the Conference, that individual" (alluding to the Rev. Robert Newton), "with an affected air of frankness, volunteered the following communication to me." This expression, "affected," applied to a gentleman of Mr. Newton's respectability and character, I consider most unseemly. Again, in page 8 of his pamphlet, occurs the expression "the credulous secretary." And in page 9 there is the following passage :—"It was on this occasion that Mr. Bunting first presumed, amidst the surprised silence of the committee, to insinuate that I was under the influence of some mean, some unhallowed, motive in dissenting from my brethren ; adding, in a tone and manner peculiarly his own, that my opposition was the 'most unprincipled that he ever knew,' subjoining, after a pause, 'and I speak advisedly.'" To use that expression to Mr. Bunting, "in a tone and manner peculiarly his own," is most indecent. I am bound to admit, with Sir Charles Wetherell, that a great deal of this would go for nothing had it occurred in the squabbles or reviews of the party violence of a debate. But consider that Dr. Warren was bound by his profession to exhibit a calm and dignified patience even under injury, and not to exhibit recrimination to any human being whatever. There is one more passage in one of Dr. Warren's pamphlets, to which I must refer. It is his comparison of the Rev. Joseph Taylor, the President of the Conference, to judge Jefferies, who is represented, in the language applied to an unhappy individual in the New Testament, as having "gone to his own place." It so happened, that I lately had occasion to turn to the passage on which Dr. A. Clarke has shown such a singular exuberance of Christian love in his remarks upon Judas Iscariot ; but while I admire the charity of the amiable and learned commentator, I cannot adopt his conclusion. Now, it appears to me, that however competent an inspired Apostle was to decide on the final destiny of an individual, it ill becomes poor, short-sighted, fallible men awfully to presume on such a subject ; and I cannot but hope, that Dr. Warren will, ere long, deeply regret that he wrote the passage in question, in which he has ventured to represent a notorious individual as having met the doom of Judas, and has then compared him to an excellent individual who, no doubt, for his worth, has been raised to the highest office in the Methodist body ; and, by such comparison, has implied, that he deserves a similar fate. It was impossible (he continued) for any one to read the speech which Dr. Warren had published without feeling convinced that its effect would, in a great measure, be to create such a schism in this society of Methodists, which, if not speedily put an end to, would lead to the total destruction and annihilation of the society itself. This being the state of the case, he was called on by the Plaintiffs to say to the Trustees, that every act done by the District Committee was to go for nothing, and that they must look upon Dr. Warren as if no one of the transactions detailed had ever taken place. Before the Court took on itself to interfere in a case like the present, it must be satisfied that there had been such a breach of the articles of the trust deed, as justified its inter-

ference. However other tribunals might differ from the opinion he now expressed, he did not think such a case had been made out as would justify his interfering in the present instance. He had himself felt deep interest in the discussion, and in the importance that was attached to the decision of the question by all parties concerned. He hoped if he had said any thing at all painful to the feelings of Dr. Warren, that he would be forgiven by that reverend gentleman for having made certain observations on his pamphlet solely from a sense of the duty he owed to the public, in the discharge of his official functions. He was heartily sorry for the necessity which had required him thus to speak. Had the pamphlet been an ordinary publication, he should have passed over it without observation, but coming from an individual of his rank, station, and character in the Society, he could not help comparing it with that pure and elevated standard at which he ought to have aimed. The Conference would put an end to the dispute in the course of a short time, but all he would for the present say was that he had no jurisdiction to interfere. He could not conclude this subject better than by addressing the Methodists in the words made use of by their own Conference in 1795:—"O, brethren, be as zealous for peace and unity in your respective Societies as your Preachers have been in this blessed Conference. Let the majorities and minorities on both sides exercise the utmost forbearance towards each other: let them mutually concede one to the other as far as possible: and by thus bearing each other's burdens, fulfil the law of Christ. Let all resentment be buried in eternal oblivion; and let contention and strife be for ever banished from the borders of our Israel."

THE INJUNCTION APPLIED FOR BY DR. WARREN
WAS NOT GRANTED.



